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## THE INFLUENCE OF LUTHER MARTIN IN THE MAKING OF THE CONSTITUTION OF THE UNITED STATES.

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The close of the American Revolution left the former colonists in the throes of a severe economic depression. The protected markets of the British Empire were barred to them; and those of other nations were not opened, as the new states had expected. During the war agricultural production had been stimulated to supply the American, French, and British armies with food. With the disappearance of this demand for food products following the war, the country faced an acute economic maladjustment. The fall in prices inevitably brought in its wake the ills of political and social unrest. The cry of distress was soon heard, culminating at times in riots and rebellions—such as the Shay's Rebellion in Massachusetts.

These disturbing economic problems were accentuated by the political situation, created by the weak and inefficient central government existing under the Articles of Confederation. During the colonial period, each state had developed a theory of local autonomy, later to be called "State's Rights," a principle far more powerful and general than the spirit of nationalism. Each state, as a self-centered and self-conscious political unit, in an endeavor to guard jealously its own welfare, estab-

lished its own tariffs, issued its own bills of credit, and refused to grant sufficient funds to the confederate government to enable it to fulfill its obligations. A number of the outstanding political leaders attributed all of the country's difficulties to the weak central government. Although it is true that the Articles of Confederation had many weaknesses, they were probably distorted because of the economic distress within the country. This idea was suggested by a delegate to the Federal Convention on June 27, 1787, when he declared that "The states have shown a good disposition to comply with the Acts, of Congs. weak, contemptibly weak as that body has been, and have failed through inability alone to comply; that the heaviness of the private debts, and the waste of property during the war were the chief causes of this inability," and that the existing system of government was not the sole reason for their difficulties.<sup>1</sup> And in the closing days of the period of the Confederation, Benjamin Franklin believed that he saw a revival of commerce and industry. If his observations were correct, and it if were to become possible to collect taxes, then it is very probable that a few revisions of the Articles of Confederation would have at least prevented the political anarchy which many men believed was threatening the country. At least the responsibility for the economic depression cannot be attributed altogether to the Articles of Confederation.

Accompanying the economic unrest was a desire on the part of the people to solve their problems by resorting to temporary expedients. Larger issues of paper money were urged by the debtor class. An expansion of currency, however, without a corresponding expansion of "base," results in the decrease of the value of currency and an increase in prices, all other factors constant. If this programme had been fully realized it would have meant that people could have paid their debts with practically worthless money, and the debtor's profit would have been the creditor's loss. As conditions then were, it was said

<sup>1</sup> James Madison, "Journal," found in Max Farrand, *The Records of the Federal Convention of 1787*, New Haven, 1911, I, pp. 437, 438.

that often a creditor was seen being chased by a debtor who wished to pay his debt with the existing paper currency. It was all too evident that if something was not done to stem the tide, the masses would gain control of the government and seize all of the remaining wealth of the country.

Several attempts were made to alleviate the situation by holding conventions or conferences, culminating in the Annapolis Convention of 1786 which adopted the report of Alexander Hamilton, that the national affairs "are of a nature so serious that, in the view of your commissioners, to render the situation of the United States delicate and critical, calling for an exertion of the united virtue and wisdom of all members of the Confederacy." It also recommended the calling of a convention to meet in Philadelphia on the second Monday of May of the next year to render the Constitution of the "Federal Government adequate to the exigencies of the Union."<sup>2</sup> The convention was called and all the states except Rhode Island appointed delegates.

During the summer of 1787 fifty-five men visited Philadelphia at some time or other to aid in framing a new system of government.<sup>3</sup> With possibly one or two exceptions, they were men who came from the financial and social aristocracy of America. Threatened with the loss of their wealth by the radical programme within the individual states and forming a

<sup>2</sup> Charles Warren, *The Making of the Constitution*, Boston, 1928, p. 23.

<sup>3</sup> The following interpretation of the delegates and their class status in American Society is based upon a study of Warren, *op. cit.*; Charles Beard, *An Economic Interpretation of the Constitution of the United States*, New York, 1921; Moncure D. Conway, *Omitted Chapters of History Disclosed in the Life and Papers of Edmund Randolph*, New York, 1888; Bernard Fay, *George Washington, Republican Aristocrat*, New York, 1931; Bernard Fay, *Franklin, the Apostle of Modern Times*, Boston, 1929; Henry Ford, *Alexander Hamilton*, New York, 1920; Horace Hagan, *Eight Great American Lawyers*, Oklahoma City, 1923; J. T. Headley, *Washington and His Generals*, New York; Ellis Oberholtzer, *Robert Morris, Patriot and Financier*, New York, 1903; Theodore Roosevelt, *Gouverneur Morris*, Boston and New York, 1896; and *Sandersons' Biography of the Signers of the Declaration of Independence*, Robert T. Conrad, editor, Philadelphia, 1876.

small but powerful minority in all of them, they arrived in Philadelphia with a definite desire to preserve their own economic and social institutions. From the North came the wealthy lawyers, merchants, and shippers; and from the South came the slave holding planters and rich lawyers. One contemporary writer has declared that twenty-four of the delegates were large public securities holders, that fourteen of them were land speculators, that fifteen of them were personally interested in mercantile business or shipping, and that fifteen of them were slaveholders.<sup>4</sup> Nearly all of them fell into one of these categories. Although the state governments were not completely under the control of these men, as is evidenced by some of the legislation that was passed, yet they were more influential in politics than their numerical strength would indicate. Aided by property qualifications which disfranchised many from the debtor class who would otherwise have been able to oppose their programme, they were partially successful in creating a political oligarchy.

It is interesting to note the predominance of lawyers in the convention, for thirty-three delegates practiced law at some time during their careers. Although many of them entered other vocations, they came to the convention with a broad legal and constitutional background. Noticeable also is the diversity of nationalities and religious creeds. Irish, Scotch, Germans, French, and Dutch were represented, although the English predominated. In religion Quakers, Episcopalians, Presbyterians, Congregationalists, Deists, Unitarians, and Methodists were ably represented. Diversity of religion was influential in preventing any mention of it in the Constitution. Probably the most distinctive fact to be noticed is the educational background of the members. Considerably over one-half were college graduates, of whom many were intensive students of history and government. Never before was a political convention so strongly dominated by intellectual and educated leaders. Even though it was not representative of all classes in America, at

<sup>4</sup> Beard, *op. cit.*, pp. 141-151.



least it included most of the best trained minds. Without question the convention was composed of men from the highest social and economic class in America.

When the delegates reached Philadelphia, they had already divided into two parties. The term "parties" is not used here to designate a well organized political entity, but rather an unorganized group bound together merely by common ideas on questions of public policy.<sup>5</sup> The larger group was commonly referred to as the Nationalist Party, which included such eminent men as Alexander Hamilton, Robert Morris, Edmund Randolph, Roger Sherman, George Washington, and James Madison. According to a report given by James McHenry to the Maryland Legislature, the purpose of this group was to grant the central government the power to provide for the national defense, to prevent sedition among the separate states, to levy internal and external taxes, to restrain the emission of bills of credit issued at the sacrifice of foreign commerce, to secure national justice, to protect private contracts, to promote inland navigation, and to encourage agriculture and manufacturing.<sup>6</sup> The other group, usually referred to as the Federalist Party by the delegates themselves but commonly called the State's Rights Party today, desired the retention of sovereignty by the respective states, and sought merely to strengthen the Articles of Confederation. For leadership it turned to Luther Martin of Maryland, called by Thomas Jefferson the "Bulldog of Federalism."<sup>7</sup> Although there were a

<sup>5</sup> The following division of delegates was made from a study of the records of the convention; James Madison, *The Debates in the Federal Convention of 1787 Which Formed the Constitution of the United States of America*, New York, 1920, 5 vol.; *Documents Illustrative of the Formation of the Union of the American States*, Washington, 1927; and Farrand, *Records*. For other interpretations of this cf. James Beck, *The Constitution of the United States*, New York, 1924, pp. 120-122; and Luther Martin, "Genuine Information," found in Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution as Recommended by the General Convention in Philadelphia in 1787*, Philadelphia, 1896, I, 350.

<sup>6</sup> Farrand, *Records*, III, 145.

<sup>7</sup> H. P. Goddard, "Luther Martin: The 'Federal Bull-Dog,'" *Maryland Historical Society Fund Publications No. 4*, Baltimore, 1886, p. 86.

number of other men in the convention who aligned themselves with the Federalists for certain specific issues, Martin was the only outstanding delegate to advocate consistently and uphold the principles of the party.

Although one of the outstanding lawyers in America and the spokesman in the Federal Convention for a powerful party, Luther Martin is not as well known a figure on the pages of history as is warranted by his work. Having a long and eventful legal career, he became one of the leaders of the bar in America. He served for twenty-eight years as attorney-general of Maryland, during which time he pleaded several celebrated cases before the United States Supreme Court, including "Fletcher vs. Peck" and "McCulloch vs. Maryland." But his greatest claim to legal fame lies in his defense of Judge Samuel Chase, whom the Senate failed to convict after being impeached by the House of Representatives; and his defense of Aaron Burr, who was tried for treason. Many writers consider those as two of the three most famous legal cases in American History. For this work he has been described by one contemporary as not only the "acknowledged and undisputed head of the profession in Maryland," but of the entire country.<sup>8</sup>

In 1787 he attended the Federal Convention not only as a lawyer and representative of a definite political faction in Maryland, but as a spokesman of the debtor class in America as well. His defense of the debtor class was in a large measure a defense of his own life. His ancestors were of English stock and among the first settlers in East Jersey, having come from New England and obtained extensive grants of land along the Raritan River.<sup>9</sup> In 1748 the land was divided into small farms, and his father received one of them. Born at New Brunswick, New Jersey, in 1744, Luther Martin spent his early life in extreme poverty and toil.<sup>10</sup> At the age of thirteen

<sup>8</sup> Bernard C. Steiner, *Life of Roger Brooke Taney*, Baltimore, 1922, p. 25.

<sup>9</sup> Ashley M. Gould, "Luther Martin," *Great American Lawyers*, William D. Lewis, editor, II, Philadelphia, 1907, p. 5.

<sup>10</sup> *Ibid.*

he enrolled in the grammar school at Princeton and in 1762 he entered the College of New Jersey (now Princeton University).<sup>11</sup> While there he was one of the founders of the Clio-sophic Society, a literary group, which played a prominent part in the undergraduate life. A very capable student and possessing an uncanny memory, he was able, later in life, to quote profusely from legal history. He also became familiar with the great political philosophers, such as Locke, Vattel, Lord Somers, Priestley, and Rutherford. In the Federal Convention he read long passages from them. The lack of finances forced him to leave college in 1763, when he secured a school at Queenstown, Maryland.<sup>12</sup> While there he studied law in Solomon Wright's library and continued teaching school until 1770, except for a short time when he returned to Princeton to finish his college work, graduating in 1766 at the head of a class of thirty-five.<sup>13</sup>

Admitted to the bar in 1771, he rapidly rose to eminence, soon earning five thousand dollars a year.<sup>14</sup> Moving to Somerset, Maryland, his practice increased, and he probably earned over ten thousand dollars a year during the rest of his life.<sup>15</sup> A profligate spendthrift of the worst type, he found himself always in need. In 1820 he suffered a stroke of paralysis; and unable to work, he became subject to the bounty of his friends. "Because Luther Martin came forward once voluntarily to stand at the Colonel's shoulder through the ordeal of a Richmond summer," Aaron Burr took him broken in health and feeble in mind into his own house and cared for him faithfully until his death in 1826.<sup>16</sup> One cannot but pity this wretched

<sup>11</sup> For my information pertaining to Martin's formal education, I am indebted to V. Lansing Collins, Secretary of Princeton University.

<sup>12</sup> Goddard, *op. cit.*, pp. 12, 13.

<sup>13</sup> In 1769 he received the degree of M. A. from Princeton.

<sup>14</sup> He began practicing law in Accomac and Northampton, Virginia, and in one term before the Williamsburg Court he defended thirty-eight persons, twenty-nine being acquitted. Goddard, *op. cit.*, pp. 11, 12.

<sup>15</sup> Edward Corwin, *John Marshall and the Constitution*, New Haven, 1920.

<sup>16</sup> Samuel Wandell and Meade W. Minnigerode, *Aaron Burr*, New York, 1925, II, 308.

old man whom the Maryland bar revered to such an extent that the State Legislature placed a tax of five dollars annually on all lawyers for his support.<sup>17</sup> Never being able to manage his own finances, he was not a man able to appreciate the desire of the aristocracy in America to protect its wealth, and was always an ardent supporter of the paper money movement.

Martin's greatest fault was his love of, and excessive indulgence in, strong drink, which earned him the title of "Lawyer Brandy Bottle."<sup>18</sup> Many are the anecdotes to be found pertaining to this phase of his life, yet only one of them records him becoming so drunk as to interfere with the discharge of his professional duties. During the "Fletcher vs. Peck" case before the United States Supreme Court, he was so intoxicated that the court adjourned in order to prevent him from completing his arguments.<sup>19</sup> He was living, however, in an age when a man was not condemned for the use of intoxicating liquors. Indeed most of the leading statesmen and lawyers did indulge in the practice. Yet Martin was an excessive imbibor, for nearly all of his contemporaries, in describing him, speak of this trait of his.

If a disappointed martial life is an explanation for the excessive indulgence in intoxicating liquors, then it is possible to find many reasons for the development of this habit by Martin. In 1783 he married the daughter of Captain Michael Cresap, a beautiful woman who died in the prime of life, leaving Martin with two very attractive daughters.<sup>20</sup> Although an elderly gentleman, he never ceased in an effort to find another mother for his children. In 1800 he began a passionate courtship of a wealthy widow, Mrs. Hager, who had

<sup>17</sup> *Ibid.*, p. 308. Only one lawyer contested the validity of the law, and he was soon persuaded to drop his suit. Upon Martin's death the bench and bar of Baltimore passed a resolution that "we shall wear mourning for a space of thirty days." Albert Beveridge, *The Life of John Marshall*, New York, 1919, III, 187.

<sup>18</sup> Beveridge, *op. cit.*, III, 536.

<sup>19</sup> Goddard, *op. cit.*, p. 35.

<sup>20</sup> Goddard, *op. cit.*, pp. 15, 16.

employed him on some legal business. She was a very shrewd woman, as evidenced by their correspondence, and did not refuse him until he had won her suits. Then she showed no reluctance in informing him that his aspirations were hopeless.<sup>21</sup>

Martin's love for Mrs. Hager was soon dwarfed by his burning infatuation for Theodosia Alston, the daughter of Aaron Burr. This passion carried him into one of America's most dramatic trials, and forced him to stop and gaze upon the beautiful young woman as he pleaded with the jury, declaring that he would be grateful to heaven if he were successful "in wiping away the tear of filial piety and in healing deep wounds inflicted on the breast of a child."<sup>22</sup> Again the great lawyer was doomed to disappointment, for in a short time the beautiful Theodosia was drowned, and he retained only a memory. This was his last serious affair of the heart.

Although he devoted the latter part of his life to law, his early years were deeply involved in politics as is shown by his active work in the Federal Convention. His training had been conducive to the development of a "Federalistic" or "State's Rights" theory of government. In 1771 he was admitted to the bar, and the next year he came under the influence of Patrick Henry, the fiery American patriot.<sup>23</sup> The two men became close friends, and it is doubtless from Henry that he received many of his political ideas as well as his ardent patriotism for the cause of the colonists during the American Revolution. It was inevitable that a young man coming under the influence of Patrick Henry should be deeply impressed. Moving to Maryland, Martin became active in political life, and in 1774 was appointed a commissioner to the Annapolis Convention, for the purpose of opposing the tyranny of Great

<sup>21</sup> She had a large estate in western Maryland and one daughter. Subsequently she married Col. Lewis. Cf. *ibid.*, pp. 32, 35.

<sup>22</sup> The emotions of Martin were so evident that Blennerhasset noted them in his diary. Cf. James Parton, *Famous Americans of Recent Times*, Boston, 1895, p. 417.

<sup>23</sup> Goddard, *op cit.*, p. 13.



Britain. Taking a strong patriotic stand, he secured for himself the approval and support of the people of his state.<sup>24</sup> He made the acquaintance of Judge Samuel Chase, upon whose suggestion in 1778 he was appointed the attorney-general of the state.<sup>25</sup> During the war he persecuted the Tories most "vigorously and rigorously," thereby making life-long enemies as well as warm friends.<sup>26</sup> It was following the war that he became more closely associated with William Paca, William Pinkney, John F. Mercer, Samuel Chase, and Jeremiah T. Chase, all of them avowed Federalists.<sup>27</sup> During this period of economic distress a great appeal was made in Maryland under the direction of Samuel Chase for new issues of paper money.<sup>28</sup> Luther Martin, as a powerful and eloquent orator, was a great aid to him in the movement. In the winter of 1786-1787 another "paper money" bill was defeated, and immediately Chase declared that he would carry the question to the people in the coming elections.

During the winter Charles Carroll, R. H. Harrison, Thomas Stone, James McHenry, and Thomas Sim Lee were chosen by the legislature as delegates to the federal convention. But with the threatening situation created by Chase unrelieved, several of the delegates appointed felt that it was their duty to remain in Maryland and aid in the attempt to stem the torrent of the populace for paper money.<sup>29</sup> Therefore the next spring Luther Martin, John F. Mercer, and Daniel of St. Thomas Jenifer were appointed as substitutes for Harrison, Stone, and Lee.<sup>30</sup> It was because of these political complications that Martin, the

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> Max Farrand, *The Framing of the Constitution of the United States*, New Haven, 1913, pp. 36, 37.

<sup>27</sup> Bernard C. Steiner, "Marylands Adoption of the Federal Constitution," *American Historical Review*, V. 207.

<sup>28</sup> J. B. Cutting to Thomas Jefferson, July 11, 1788, Farrand, *Records*, III, 339.

<sup>29</sup> *Ibid.*

<sup>30</sup> Madison, *Debates*, pp. lxxxiii-lxxxv.

acknowledged leader in the convention of the Federalist party, was chosen as a delegate.

Not a man of striking appearance, Martin was of "medium height, broad-shouldered, near-sighted, absent-minded, harsh of voice," and with a face crimsoned by the brandy he continually imbibed.<sup>31</sup> Yet when he began to speak his appearance was forgotten by his appealing and florid eloquence. Although at times he was tiring in his speech, when he was "aroused to action, his great resources made themselves apparent, a memory amounting to genius, a boyish delight in the rough-and-tumble of combat, a wealth of passion, kept in perfect curb till the enemy was already in rout before solid arguments and then let loose with destroying effect. This child of nature was governed in his practice of law less by retainers than by his personal hatreds."<sup>32</sup> Perhaps the man he hated worst was Thomas Jefferson,<sup>33</sup> which is an explanation of his opposition to the Democrats in latter years. To him no other damnation was quite so scathing as to call a man "as great a scoundrel as Tom Jefferson."<sup>34</sup> Because of this passionate nature of his, in speaking he was often rude and cruelly aggravated his listeners. Then, too, his invectives were often coarse and gross, for he was incapable of restraint.<sup>35</sup>

Yet he was well informed as is illustrated by Blennerhas-

<sup>31</sup> Beveridge, *op. cit.*, III, 86. Henry Adams described him during the trial of Judge Chase as "the most formidable of the American advocates . . . the rollicking, witty, audacious Attorney-General of Maryland, boon companion of Chase and the whole bar, drunken, generous, slovenly, grand. Bull Dog of Federalism, as Mr. Jefferson called him." Henry Adams, *John Randolph*, John T. Morse, editor, *American Statesmen Series*, Boston, 1882, p. 141.

<sup>32</sup> Corwin, *op. cit.*, p. 177.

<sup>33</sup> This was the result of the Cresap affair. In 1783 Martin married Major Cresap's daughter, whom Jefferson had accused of murdering the family of a half-breed, James Logan. Martin bitterly denied the charges, publishing a pamphlet in Cresap's defense, now lost. Goddard, *op. cit.*, pp. 15, 16.

<sup>34</sup> Corwin, *op. cit.*, p. 177.

<sup>35</sup> *The Blennerhasset Papers*, William H. Safford, editor, Cincinnati, 1864, pp. 377, 378.

set's description of a talk by him after dinner during the Burr trial:<sup>36</sup>

Were I now to mention only the subjects of law, politics, news, etc., on which he descanted, I should not be believed when I said his visit did not exceed thirty five minutes. Imagine a man capable, in that space of time, to deliver some account of an entire week's proceedings in the trial, with extracts from memory of several speeches on both sides, including long ones from his own, to recite half columns, *verbatim*, of a series of papers of which he is the author . . . to caricature Jefferson, give the history of his acquaintance with Burr, expatiate on his virtues and sufferings, maintain his credit, embellish his fame, and intersperse the whole with sententious reprobations and praises of other characters.

To his friends he offered a passionate devotion and it was Aaron Burr who declared that with "better breeding and redemption from habits of inebriety his would be a perfect character. His heart is overflowing with the milk of benevolence."<sup>37</sup> Just a rough and tumble fighter, a boon companion of the tavern politicians, possessing an uncanny memory, understanding all the tricks of debate, and passionate in his support of his convictions, this bulldozing "Thersites of the law" was to become the greatest obstacle to the success of the Nationalists party in the Federal Convention of 1787.

The convention had already begun its deliberations when Luther Martin arrived on June 9. It had been called for May 14, but a quorum had not arrived until the 24th. George Washington had been elected president, and the rules of the convention adopted. Edmund Randolph immediately presented the "Virginia Plan" of government,<sup>38</sup> which provided for a national legislature of two branches, the lower branch elected by the people, and the upper branch by the lower one. The legislature was to be given broad powers over matters in which the states had proven incompetent. The states were to be represented according to the number of free inhabitants or according to their wealth. A national executive and judiciary

<sup>36</sup> *Ibid.*

<sup>37</sup> Goddard, *op. cit.*, p. 31.

<sup>38</sup> May 29.

were included.<sup>39</sup> Discussion of the plan was postponed, but by its introduction the Nationalists had achieved a masterstroke; for they had made the first move, thus placing their opponents on the defensive. A resolution was then introduced and passed, declaring that a national government should be established.<sup>40</sup> Although the majority of the delegates had been merely authorized to regulate trade and to revise the Articles of Confederation,<sup>41</sup> many of the members at an early date believed that the exigencies of the times warranted drastic measures. That is the reason they were willing to exceed their instructions. It was evident that the nationalistic sentiment was very powerful.

The Federalist party awaited the arrival of Luther Martin, who has left the following account of his entry into the convention:<sup>42</sup>

I devoted my whole time and attention to the business in hand . . . and conscientiously . . . to decide what part I ought to adopt in the discharge of the sacred duty I owed my country . . . I attended the Convention many days without taking my share in the debates, listening in silence to the eloquence of others and offering no proof that I possessed the powers of speech than giving my yea or nay when a question was taken.

Within a few days he realized that the paramount question before the convention was "federalism vs. nationalism." By "federalism" he meant a system of government in which the states were "free and sovereign" and equally represented in a central government whose duty it was to protect them from foreign aggression and aggression on the part of the larger states. By "nationalism" he meant the creation of a strong central government through the destruction of the power of

<sup>39</sup> Warren, *op. cit.*, p. 141.

<sup>40</sup> May 30. Later the word "United States" was substituted for "national." Luther Martin declared that it was done because of the fear that the word "national" might create alarm. Charles R. Martin, *An Introduction to the Study of the American Constitution*, New York, 1926, p. 40.

<sup>41</sup> Martin, "Genuine Information," Elliot, *Debates*, I, 345.

<sup>42</sup> Warren, *op. cit.*, pp. 201, 202.

the individual states. It was as a means of preserving the principles of federalism that he waged a relentless struggle until July 16, when the Connecticut Compromise was approved, for the retention of equal representation by the sovereign states. He was confident that if that were achieved, the power of the states would be preserved. Many delegates from the small states supported him, because they feared that the people from several of the larger states might otherwise try to assume tyrannical power over the smaller states. After equality of representation was guaranteed in the upper branch, they were satisfied. To Martin, however, it was not a question of representation alone. He was fighting for the preservation of the state of Maryland as a political entity. This is the key to his work during the first month of his participation in the convention's deliberations.

On June 15, William Paterson presented the New Jersey plan of government,<sup>43</sup> which merely revised the Articles of Confederation, increasing the powers of Congress and providing for an executive of several men elected by Congress. It was in defense of this plan that Martin first addressed the convention, arguing that all the states had entered the Confederation on the footing of equality, and that was the way they would remain.<sup>44</sup>

Yet it was not until the next day that he hurled his vicious attack upon unequal representation. Fearing that a strong national government would destroy the state governments, he declared that "upon separation from the British Empire, the people of America preferred the establishment of themselves into thirteen separate sovereignties, instead of incorporating themselves into one."<sup>45</sup> Realizing that the central government had to be supported, he was willing to grant it more power, and modify it as long as state governments were not endangered.<sup>46</sup> Speaking of representation, he declared that it would be unfair

<sup>43</sup> "Its authorship is not known, but probably Roger Sherman, Luther Martin, and William Paterson took the leading part in drafting it." *Ibid.*, p. 221.

<sup>44</sup> June 19. Elliot, *Debates*, V, 213.

<sup>45</sup> June 20. Madison, *Debates*, Elliot, *Debates*, V, pp. 217, 218.

<sup>46</sup> Yates, *Minutes*, Elliot, *Debates*, I, pp. 429, 430.



to the smaller states to give the larger ones more votes, citing the example of ten free men, nine of them equal, one ten times as wise, receiving ten votes while each of the others received one. The nine would be the slaves of the one, just as the smaller states would be the slaves of the larger ones. In refuting the arguments for representation on the basis of taxation, he pointed out that if one state paid more to the federal government, it would be because as a state, it enjoyed greater blessings from it, and would have more wealth to be protected.<sup>47</sup> The appeal was successful in rallying the small states to the support of the Federalist party. As yet the majority of the members had not consented to a strong national government. It was merely a question as to whether the small or the large states should dominate in the new government. With this solidification of the opposition, the Nationalists began to lose some of their confidence.

Only a few days later Martin opened a two day oration in defense of equal representation, driving many members, supporters and opponents alike, to despair.<sup>48</sup> The weather was warm, his audience was rude and inattentive, his speech was excessively voluble; but the logic of his arguments seemed unanswerable, and as a contemporary writer has said, "the world lost a great oration for Madison gives only a fragment of it."<sup>49</sup>

Again this "Bull-Dog of Federalism" demanded that the state governments be preserved, arguing that the existing situation was due to the heaviness of the private debts and the waste of property during the war. Magnificently defending federalism, he read passages from Locke, Vattel, Lord Somers, Priestly, and Rutherford to prove that it was essential in a fed-

<sup>47</sup> Martin, "Genuine Information," Elliot, *Debates*, I, pp. 351-355.

<sup>48</sup> June 27, 28. Months later Ellsworth wrote to him, "You opened against them in a speech which held during two days, and which might have continued two months, but for those marks of fatigue and disgust which you saw strongly expressed on whichever side of the house you turned your mortified eyes." Farrand, *The Framing of the Constitution*, p. 93.

<sup>49</sup> Beck, *op. cit.*, p. 90.

eral government that the states have equal representation, since "States like individuals were in a State of nature equally sovereign and free." He contended with great length that the central government was created merely to preserve the state governments, not to govern the individuals, and therefore the power of the general government should be kept within marked limits. Adroitly he reminded the Nationalists that their complaints against the Confederation were not the result of equality of representation but lack of power. Why then, he demanded, should the entire system be revolutionized?<sup>50</sup> Thereupon he read them a lecture on ancient and modern confederation, such as the Amphictyonic Council, Holland, and Switzerland.<sup>51</sup> And in conclusion he accused some of them of revolutionary designs when he declared that they were "already confederated, and no power on earth can dissolve it but by the consent of all the contracting powers—and four states, on this floor have already declared their opposition to annihilate it. Is the old Confederation dissolved, because some states wish a new Confederation?"<sup>52</sup> In commenting on the speech, Rufus King, an ardent Nationalist, declared that the "principles are right, but cannot be carried into effect."<sup>53</sup> Perhaps this is the best analysis of the speech that can be offered, as well as the doctrine of federalism itself. At least the motion for equality of representation was defeated by a vote of six to four. The speech was so effective, however, that when Madison attempted and failed to answer it, Benjamin Franklin asked for prayer.<sup>54</sup> The two parties were drifting farther and farther apart.

The debates during the following days became more bitter, leading Martin to declare defiantly that "if we cannot confederate on just principles, I will never confederate in any other manner."<sup>55</sup> A few days later he protested that it was

<sup>50</sup> Madison, "Journal," Farrand, *Records*, I, pp. 437, 438.

<sup>51</sup> Yates, "Journal," Farrand, *Records*, I, pp. 453-456.

<sup>52</sup> *Ibid.*

<sup>53</sup> Farrand, *Records*, I, 443.

<sup>54</sup> Madison, "Records," found in Farrand, *Records*, I, 452.

<sup>55</sup> June 30. Yates, "Minutes," Elliot, *Debates*, I, 471.

"again attempted to compromise. You must give each state an equal suffrage, or our business is at an end."<sup>56</sup> Necessity demanded a compromise, and a committee on representation was appointed, including Martin as a member.

The committee met on July 3, and we are indebted to Martin for the existing record of its work. Immediately, he says, the delegates of the large states insisted on an inequality of suffrage in both branches of the legislature, while the delegates from the small states insisted on equality of representation. At length it was proposed by the delegates of the large states that if the small ones acceded to their wishes on the first branch, they would accede to theirs on the second. The representatives of the small states answered no, for the proposal only was consenting, "after they had struggled to put *both their feet on our necks*, to take *one of them off*, provided we would consent to let them keep the *other on*," while they knew they couldn't keep the other one on "unless we consented," and if they were permitted to keep one on, afterwards they would be able to put the other on when they pleased.<sup>57</sup> The delegates of the small states were insistent that they had the rights of equality of representation, secured to them by the existing confederation, now being torn from them. "Will you," they asked, "tell us we ought to trust you because you *now enter a solemn compact with us*?" They asked if an appeal would be made to the Supreme Being to guarantee its observance, reminding them that they did just that with the Articles of Confederation and were violating it in the most wanton matter.<sup>58</sup>

Finally the temper of the opposition subsided, and the famous "Connecticut Compromise" was approved by a majority of the members of the committee.<sup>59</sup> It provided for a lower branch in the legislature consisting of one member for every forty thousand inhabitants, that all appropriation bills

<sup>56</sup> July 2. *Ibid.*, pp. 474, 475.

<sup>57</sup> Martin, "Genuine Information," Farrand, *Records*, III, pp. 188-190.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

should originate there, and an upper branch was to provide each state with an equal voice.<sup>60</sup> Then the plan was submitted to the convention.

For several weeks the controversy continued, during which period, Martin says, "we were on the verge of dissolution, scarce held together by the strength of an hair, though the public papers were announcing extreme unanimity."<sup>61</sup> Not approving of two branches nor the inequality of votes in the first branch, yet Martin did urge its acceptance and expressed himself as willing to try the plan rather than do nothing.<sup>62</sup> Then on July 16 the compromise was adopted by a vote of five to four.

The idea of a strong national government was now being viewed with more favor. The problem of representation was decided, and many of the small state's men were willing to support the Nationalist programme. They had not really subscribed to Martin's philosophy, but merely aligned themselves with him for a definite issue now decided. Now delegates were arriving. And Luther Martin was forced to realize that, while the small states had previously supported him, in the continuance of his struggle for federalism, he would stand practically alone. Seeing the growing strength of the Nationalists and without an doubts that they were going to draft a document, if possible, which would increase the power of the central government at the expense of the states, he threw himself into the melee in an endeavor to retain as many federalistic principles as possible. Knowing the impossibility of securing a truly federal system, he struggled merely to modify and limit the power of the growing nationalistic programme. At times his efforts were futile, but the final document did contain marks of his labor.

*(To be Continued.)*

<sup>60</sup> Warren, *op. cit.*, p. 309.

<sup>61</sup> Martin, "Genuine Information," Farrand, *Records*, III, 190.

<sup>62</sup> Madison, "Debates," Elliot, *Debates*, V, 310.

CLAIBORNE vs. CLOBERY ET ALS.  
IN THE HIGH COURT OF ADMIRALTY.

(Continued from Vol. XXVII, p. 114.)

VI

High Court of Admiralty, Miscellaneous Books 854. 21<sup>st</sup> June 1639.

21 June 1639. Extracts from the personal answer of Muirhead to Cleborne's libel.

[Extracts from the personal answer of David Moorehead to Cleborne's libel.]

To the 3<sup>rd</sup> & 4<sup>th</sup> positions he says that "the said Cloberrye, ut credit, did procure a commission under his Majesties signett of Scotland for the plantacion articulate, and that hee this respondent and the articulate Cloberrye had conference and speache together with the said Lord Baltimore."

To the 5<sup>th</sup> he says that  
"there was an Order from the Counsell Board to the Effecte articulate, but this respondent beleeveth that in the said Order it was likewise expressed that this respondent and the articulate Cloberrye and companye should be left to the lawe; and further this respondent beleeveth that since the foresaid order there was a reference from his Majestie that there should bee a legall proceedeinge in the said busines, and that his Majestie did by his letter, ut credit, to the said Lord Baltamore discharge him from meddlinge with anythinge belonginge to this respondent and companye in the plantacion articulate dureinge such time as the saide business was not determined."

To the 6<sup>th</sup>-17<sup>th</sup> [he says as in Evelins answer].

To the 18<sup>th</sup> he says that  
"the articulate Cleborne did come unto the said Cloberrye the time articulate and brought unto him some bookes, which he said were the accountes of the plantacion in question, and left



the same with the said Cloberrye, ut credit, but this respondent beleeveth that afterwarde the said Cleborne came to the said Cloberrye againe and took the same away again."

To the 19<sup>th</sup>-27<sup>th</sup> [he says as in Evelin's answer.]

D. MUIRHEAD.

## VII

High Court of Admiralty, Miscellaneous Books 854. 2<sup>nd</sup> Oct. 1639.

2 Oct 1639. Personal answer of Cloberry to Cleborne's libel. Repetita coram doctore Sames surrogate.

*Responsa personalia Willielmi Cloberry facta positionibus et articulis cujusdam pretensi libelli alias contra eum et alias ex parte Willielmi Cleborne dati et admissi sequantur.*

To the first pretended position he answereth and beleeveth that this respondent had formerlye beene an adventurer to canada & other partes with Captain Kirke & others, which the said Cleborne takeinge notice of, did severall times repaire to this respondents howse importuninge him & by his greate promises of profitts perswadinge him to adventure with him in a joynt stocke for the bay of Chesapeake & other places on this the continent of America; tellinge this respondent that hee could not trade into those partes without the Governor of Virginia his licence which hee could not obtaine, and that if this respondent could procure a commission from his Majestie to trade freely, and transport men and cattle into the partes aforesaid that hee would make it a very profitable and beneficiall trade and plantation or to that effect And uppon the said Clebornes faire promises & severall importunities this respondent did make severall journies to the court, and made use of his freinds there and did procure a commission under His Majesties hand and signet for the same; of which the said Cleborne was very joyfull; and otherwise for his parte hee doth not beleieve this Article to be true in any parte thereof.

To the second pretended position hee answereth & beleiveth that after the obtayning of his Majesties said commission uppon

the importunities promises of profitts and persuation of the said Cleborne, this respondent doth believe that there was a meeting had within the said Cleborne Maurice Thompson & others, and did conclude & resolve uppon a voyadge into those partes in the Affrica of London for a trade discovery & plantacion in account in Sixthes, in a joint stocke as is related, and that the said Cleborne was to goe & did goe uppon the said trade discoverye & plantacion, to whose care & charge the sole managinge & prosecution thereof was committed And the said Cleborne did further promise that generallye all increases benefitts & profitts whatsoever should any manner of wayes growe or accrewe by the saide trade discovery & plantacion should bee for the use & behalfe of the said jointe stocke in sixthes, and that he would give them juste & true accounts thereof or to that effecte; which said promise hee hath since confirmed, & that hee desired not to do any thinge without them. And otherwise hee doth not beleeve this Article to bee true or

To the third pretended posicion he answereth and beleeveth that saveing his former answers hee doth not beleeve this Article to be true or any part thereof.

To the fourth pretended posicion he answereth and beleeveth that through the great neglect error and remisness of the said Cleborne in not giveinge timely & quick advise to this respondent of his the said Clebornes proceedinges in the discovery trade & plantacion, & where hee had settled, the said Lord Baltimore had notice thereof and got a pattent under the broad seal of England for certain landes etc. comprehendinge the Island wherein the said Cleborne had planted within the limitts of his Lordships saide Pattent before such time as this respondent had notice thereof or knew the said Clebornes intencones soe the fault & neglect is wholye in the said Cleborne, which otherwise might have beene prevented. And yet afterwardes this Respondent (beinge encouraged by the said Cleborne's faire promises of profit) did (notwithstanding the said Lords grant) by his freindes & great paines costes & charges at court obtaine under his Majesties hand & signett a confirmation of his Majesties said first commission by this Respondent obtained, his Majestie therein alsoe

expressinge that it was contrary to justice & the true intent of his Majesties said graunt to the said Lord that his Lordshipp should have the same where wee had formerly settled & planted But contrarylye that wee should quietly enjoy the same with freedome of trade into those partes without any lett interrupcion or molestacion of the said Lord Baltimore his agentes or any others, requireinge them to observe the same, or to that effect, to which confirmacion this Respondent referreth himselfe Att the receipt whereof the said Cleborne was very glad, & did expresse a great deale of joye & hath acknowledged howe much hee was obliged & ingaged to this Respondent, sayinge that thereby hee was much encouraged & tooke notice of the Respondents great paines therein to settle their libertyes & peace against the heate & violence of those unreasonable men whose avaritious thoughtes would be satiated with noe lesse then all And that hee doubted not but the strenth thereof would bee much available to secure him against whome the greatest power in those partes was bente to worke his ruyne. And this Respondent saith hee had conference with the said Lord Baltimore severall times after his Lordshipp had obtained the said graunt from his Majestie in a faire way, and doth beleeve that he should have persuaded and prevailed with his Lordshipp to have yeilded to some agreement concerninge the same, but that the said Cleborne in severall letters & otherwaies did wholly dislike to have to doe with the said Lord or his agents, complayninge of them as Jesuiticall papistes conspiringe against him to lay crimes to his charge, and that to bee dependant on him or his Governors he held intollerable, And that he knewe his pattent was not to meddle with those whoe were seated before the date thereof, And that they carried all thinges with a high hand & conquered all opposicion though never soe just, and thincke all men theeves, themselves beinge but intruders. And that to make their accions looke the fairer in the eies of cruall papists who have St. Ignatius for their patron they had imbroidered their acciones with effusion of native blood. And further this Respondent hath bine informed that the agents of the said Lord did offer to have agreed and joyned with the said Cleborne in

the said trade, but the said Cleborne did absolutely refuse the same And as touchinge the pretended letters written to the said Cleborne this Respondent referreth himself unto the same & saith that if any such were they were grounded upon other letters & advises received from the said Cleborne, to give the said Cleborne content, and to followe his direccions and advise, wherein hee the said Cleborne had formerly written against the said Lord his agentes religion & government, and is already set forth in this answere to this Article And that this Respondent did use his best meanes, and procured his majesties said confirmacion of the first commission that wee should quietly engage the same. And otherwise for his parte hee doth not beleve this Article to bee true in any parte thereof.

To the 5<sup>th</sup> pretensed position hee answereth & beleeveth that upon the said Clebornes peticion to his Majestie there was a reference to the Lordes commissioners for forraigne affaires, and thereupon a meetinge procured by the said Cleborne before theire Lordships And that through the ill carriadge and manadginge thereof by the said Cleborne theire was an order obtained by the said Lord Baltimore, the contentes whereof this Respondent doth not certainly remember but referreth himself unto the same; But since that time (albeit this Respondent & partners have beene much discouraged by the said Clebornes ungratefull and unjust dealinge with them, and could never bee drawne to make upp his accountes and sould and disposed of sundry beaver skinnes & other commodities and converted the money to his owne use, detaineing a greate parte of this Respondents Estate in his handes yet this respondent hoping that hee and his company should have drawne the said Cleborne to some account and reasonable end did (after the said order procured by the Lord Baltimore) by theire freindes paines and charges at court since obtaine his Majesties letters to the said Lord Baltimore, commandinge & requiringe him that these respondents should enioye theire said plantation & possessions without any further disturbance, molestacion or trouble from him or his agents, or to that Effect; for further & more certaine manifestacion whereof this respondent referreth himselfe to the

said letters And this respondent doth deny that the joint stock hath susteined any losse or damadge by this meanes, but contrarily hath beene from time to time supported and maintayned by him & his freinds. And this respondent further saieth & beleiveth that all the damadge & losse that hath accrewed to the said joint stock hath bine by the neglect & default of the said Cleborne in not followinge these respondents orders and directions and not sending home their returnes accordingly, & giving timely advice. And otherwise hee doth not beleve that Article to bee true in any parte thereof.

To the 6<sup>th</sup> position hee answereth that for his parte he doth not believe this Article to bee true in any part thereof.

To the 7, 8, 9 and 10<sup>th</sup> positions hee answereth & beleeveth that the said Cleborne did write a letter to some of the parteners of this respondent of some damage done by a fier, but not expressing any greate vallue. But the said Cleborne thereupon hath since encouraged this respondent & companye that notwithstanding the said losse they should be gayners; and also hath since by severall letters advised them of a great trade hee had for beaver, and that their plantacions thrived and increased in strength & all other respecte and particularly that their hogges & cattle increased abundantly. And whereas the said Cleborne pretendeth that the said plantacion is much dampnified and that himselfe and the people have suffered & endured much want by these respondents not sending him supplies of goodes & other necessities etc. and that hee the said Cleborne (as hee pretends) did (by vertue of an agreement pretended to bee made with this Respondent or some of his parteners before his departure from England) supply the said plantacion with goodes & all other necessities out of his owne Estate, this Respondent saieth & believeth that the said Cleborne hath driven a very great trade for beaver and other commodities whereby (as this Respondent hath bine informed, and verily believeth) the said Cleborne hath made ganes & profitt which he conceales from this respondent and his partners. And that all losses and damages (if any such bee as the said Cleborne pretends) that have accrewed to the said joint stock and plantacion have been caused



& procured by reason of the said Clebornes owne default neglect and remisnes in not sendinge the said respondents advice in time for that hee never for the most parte writt them untill the latter end of the trade; and besides hee sent not these respondents their returnes, but kept their Estates there whereuppon the said Maurice Thompson and the other parteners were soe much discouraged at these his negligent and unfaire courses & proceedinges that they would not adventure any more with him. And thereuppon this respondent, to support the said Cleborne and plantacion (out of the respectes hee boare to him and the plantacion) was at laste forced to buy all the rest of his parteners out of their Adventures, hopeinge of honest & profitable dealeinge from the said Cleborne according to his many & faithfull promises. And hee further saieth and beleeveth that the said Cleborne did not nor was not liable to supply the said plantacion with goode etc. out of his owne Estate for that (to this respondents knowledge) hee had not any money or estate here to supply and pay for his owne sixte part of the goodes sent him from hence (after the first setting forth in the Affrica) but was wholly supplied by this respondent & his parteners; for which the said Cleborne is still indebted to them, and promised to allowe them interest and adventure for the same. And this respondent neither believeth nor knoweth of any agreement made with him or any of his parteners, and that if any such agreement were, it was without this respondents knowledge or consent; and besides for such goodes as the said Cleborne bought there in the country for the supply of the saide plantacion by his bill of exchange for the same, which this respondent from time to time satisfied & paid, soe that this respondent beleeveth that neither the said Cleborne nor the people could bee in such want as the said Cleborne pretends. And saieth further that if hee had wanted any more goodes, necessaries etc. hee might have bought them theirè for his supply and charged this respondent by exchange as hee did for those goodes hee did buy. And otherwise for his parte hee doth not beleve this Article to be true in any parte thereof.

To the 11<sup>th</sup> pretended posicion this respondent beleeveth that

the said Cleborne did (in the time of his aboad there) send severall quantities of Beaver skinnnes to this respondent or some of his parteners, for the quantity whereof and the proceede of them this respondent referreth himselfe to his accompte for the same delivered unto Mr. Thomas Eyre accomptant chosen by the said judge himselfe for the auditinge of the Accomptes between this respondent and the said Cleborne. But this respondent further saith that hee beleeveth not that any parte of the said beaver skinnnes were bought with the particular Estate of the said Cleborne as is pretended, neither did the said Cleborne give any advise at any time of any such thinges, but that they were bought with the goodes sent unto the said Cleborne, and bought by him there, for which hee charged this respondent and parteners by exchange for account of the saide jointe stock, or with the proceeds of them and so returned home for the said account accordingly. And besides this respondent beleeveth and hath beene informed that the said Cleborne did buy severall other quantities of beaver skinnnes and other furs corne tobaccoe and comodities which he conceales from this respondent and convertes to his owne use. And this respondent doth not beleieve that the said Cleborne was out of purse uppon the said plantation more than all the rest of the said parteners as is pretended, for that hee this respondent knoweth not of any estate the said Cleborne had, being not able (as this respondent verely beleeveth) to supply his owne sixte parte of the cargazoones etc. sent from hence after the first settinge forth in the Affrica, but requested this respondent or some of his parteners to supply the same for him, which they accordingly did supply, for which hee is to allow them interest and adventure. And otherwise for his parte he doth not beleieve this article to be true in any parte thereof.

To the 12<sup>th</sup> posicion this respondent sayeth and beleeveth that the said Cleborne never made any such agreement & covenant as is pretended with him or any other of his parteners to his knowledge neither doth hee beleieve that the said Cleborne lost his places in Virginia by stayinge on this plantation but that uppon some complainte made against him hee was put out

of them, which this respondent understandinge out of his love and respecte to the said Cleborne offered him to use his indeaver by his freindes to reestablishe him in the same, which the said Cleborne tooke kindly, and acknowledged it as a great obligacion sayinge they were places of much trouble, and that hee was not unwillinge to relinquish them, and further that they were places imposed uppon him (without his seeking) by command, of his great undoeing by attendance thereon without any meanes. And otherwise for his parte hee doth not beleve the Article to bee true, or any parte thereof.

To the 13<sup>th</sup> & 14<sup>th</sup> pretended posiciones this respondent beleeveth not that ever hee made any such promise to the said Cleborne as is pretended, and saieth that hee never sought to compound all differences with the Lord Baltimore to exclude the said Cleborne, but contraryely held the said Cleborne in all treaties with the said Lord, and would not conclude any thinge with the said Lord without houldinge the said Cleborne therein, unto which his Lordshipp was alwayes verie unwillinge to consent; of which this respondent did acquaint the said Cleborne, whoe answered that hee feared not what his Lordshipp could doe, but bid him doe his worst or to that Effecte, but if this respondent would have Excluded the said Cleborne (the said Cleborne himselfe hath acknowledged) hee might have had his desires accommodated; but this respondent hath beene informed that the said Cleborne hath sought to compound and agree with the said Lord Baltimore without this respondents knowledge to exclude them, and that hee hath acknowledged the right of the said plantacion to bee in the said Lord Baltimore. And this respondent further saieth that hee beleeveth not that the said Cleborne hath wasted his body or estate in the said employment, as is pretended for that hee this respondent knoweth not of any estate hee had to loose, but contrarily hee hath beene informed that the said Cleborne hath not only had subsistance of himselfe and family but alsoe hath by this respondents and his parteners stocke and private trade gotten a great estate which hee conceales from this respondent and his parteners and convertes to his owne use contrary to his many promises that all profitts & increase

whatsoever should bee for the accompte and use of the said jointe stock. And that if hee have loste the use of his right arme (which this respondent beleeves not) it was through his owne indiscrecion and carelesnes and not in any service of the plantacion. And further if hee have beene questioned for his life, it was for his owne facts and misdemeanors, and not by meanes of the said imployment, as hee beleeveth, And otherwise for his parte hee doth not beleieve this Article to bee true in any parte thereof.

To the 15<sup>th</sup> pretended posicion this respondent saith and beleeveth that the said Cleborne being fearefull to fall into the handes of his enemies, being accused by the said Lord Baltimore the governors of Virginia and Maryland for takeinge certain boates belonginge to the said governor and inhabitantes of Maryland and for other factes & misdemeanors for which hee feared hee should bee brought into Starr Chamber and questioned and that hee should bee sent for home to answere unto the same did give notice unto these respondents or some of his parteners that hee would come over and that hee could cleere himselfe of these complaintes, and desired this respondent to have some person sent over to take charge and keepe the accomptes there; whereuppon this respondent and parteners, out of their love and respects to the said Cleborne sent over Captayne George Evelin, who was recommended to them to bee a very honest and understanding man in such affaires, of whome the said Cleborne approved very well, and did with much thanckfullness acknowledge the same as an especiall favoure and care which this respondent and parteners had to prevent him the said Cleborne from fallinge into the handes of his enemies. And that by the said Evelins advice & assistance hee might strengthen himselfe with prooffe to cleere the truth of his cause. But the said Cleborne as this respondent hath beene informed did not observe and follow the order and commission sent him by this respondent and parteners in establishinge the said Captain Evelin in the possession of the said plantation, but interdicted the said Evelin the possession, or to come uppon the said Island, or to that Effect; and contrarily committed the charge and gov-

ernment of the same plantacion unto others; in somuch this respondent doe not beleve that the said Evelin hath either sould or alienated any parte of the said plantacion etc. as is pretended; But contrarily this respondent beleeves that the said Cleborne hath sould and alienated all or parte of the said plantacion goodes etc. and by his misdemeanors and ill carryadge (refusinge to followe this respondents and parteners orders, to worke his owne private ends) hath beene the onlye cause of all damadge and loose that hath any waies accrued or befallen the said plantacion. And that the sendinge over of the said Evelin hath beene noe cause thereof. And wheather the said Cleborne laid out and disbursed 150<sup>li</sup> as hee pretends, or not, this respondent knoweth not, But doth beleve, if any such some or any parte thereof were by him disbursed, that it was in his owne particular defence in the complaintes aforesaide and for his owne private occasions and not any wayes concerninge the generall business of the said plantacion and jointe stocke. And otherwise for his parte hee doth not beleve this article to be true in any parte thereof.

To the 16<sup>th</sup> pretended position this respondent beleeveth that the said Cleborne did buy goodes of one Thomas Young, as is related to the vallue of 116<sup>li</sup> And that hee charged a bill of exchange uppon this respondent for the same And that the said bill of exchange was for want of timely advise or some other just cause protested by this respondent. But this respondent beleiveth not that the saide Cleborne did send any parte of the proceede of the said goodes unto him; but as this respondent hath beene informed and beleeveth he converted them to his owne use and carryed the proceede of them and other goodes (as this respondent beleeveth) belonging to the said joint stocke into Ireland, in tobaccoe and beaver, which hee there concealed, without givinge notice or advise to this respondent or his parteners thereof; and sould the same there to the valeu of 1000<sup>li</sup> or 1200<sup>li</sup> or thereabouts; which this respondent haveing notice of wished the said Cleborne to pay the said bill of exchange out of the proceede of the said beaver or tobaccoe sould by him in



Ireland, which hee answered hee would doe; which if hee have performed, as is related, this respondent beleeveth not that his goodes are extended in Virginia for payment of the same thinges, as is pretended. And otherwise for his parte hee doth not beleeve this Article to be true in any parte thereof.

To the 17<sup>th</sup> position this respondent knoweth not of any cowes or other cattel the said Cleborne brought upon the said plantacion; but saith that if the said Cleborne brought any such cowes or other meat cattle upon the said plantacion belonging to the said joint stocke in accompte in sixtes, as is pretended, they were brought thither by virtue of the said commission obtayned from his Majestie (for the transportacion of cattle etc) in the behalfe of the joint stocke by this respondent; and that as the goodes sent thither from hence by these respondents were brought into the accompte of the joint stock, although the said Cleborne supplied noe parte thereof (except of the first setting forth in the Affrica) so ought the said cowes and cattle aforesaid to bee brought into the said joint stock at the rate they were then worth, if any such were brought upon the said plantacion by the said Cleborne as is pretended, And further the said Cleborne promised & agreed that all benefitt & increase whatsoever should grow or accrew by the said discovery trade & plantacion should bee for accompte of the said joint stocke. And hee hath since declared that hee desired to doe nothinge without this respondent and parteners And otherwise for his parte hee doth not beleeve this Article to bee true in any parte thereof.

To the 18<sup>th</sup> pretended position this respondent denieth that ever hee snatched away any such accompte as is pretended. But saith that true it is that the said Cleborne brought into this respondents howse about nine bookes of accompte kept by the said Cleborne, as hee said concerninge the saide plantacion; and that afterwardes the saide Cleborne desired one of them of this respondent to see an accompt, and under color thereof (this respondent being in another roome) the said Cleborne carryed away all the said bookes of accompt with him; which since that

time this respondent could never gett againe. And otherwise for his parte hee doth not beleeeve this Article to bee true in any parte thereof.

To the 19<sup>th</sup> position this respondent beleeveth that there hath been some report of a great jealousie that the said Cleborne had some hand in causing some howse uppon the said plantacion where a small quantitye of goodes were to be burnt, to work his owne Ends but denieth that ever hee this respondent said the said Cleborne did any such thing. And alsoe that it is true that the said Cleborne was & is deeply indebted to this respondent & parteners; and that they were informed that hee intended to goe beyond sea, & alsoe that he was afraid to walke publicklye abroade for feare of being arrested; and that to that end hee removed his lodginge close uppon the water side that hee might the more conveniently escape. And otherwise for his parte hee doth not beleeeve this Article to be true in any parte thereof.

To the 20<sup>th</sup> posicion this respondent knoweth nor beleeveth if any such some disbursed by the said Cleborne as is pretended. But if hee had laid out any such some this respondent beleeveth it was in his owne defence in his owne particular busines with the Lord Baltimore and governor of Virginia, being complayned of at Councell table by the said governor and was committed into the custody of a pursevant being not able to give a Bale for his appearance; for whose appearance this respondent out of his love to the said Cleborne became bound in 100<sup>li</sup>, and soe cleared him of the said committment; soe that this respondent beleeveth not that hee laid out the said some for any business belonginge to the said joint stock as is pretended.

To the 21<sup>st</sup> position this respondent saieth that there was an agreement made with the saide Cleborne & others concerninge a supply to bee provided & sent to the said plantacion, and there-uppon the said Cleborne & others desired this respondent to provide certayne goods here and to write into Holland for certayne cloth called duffils, which this respondent accordingly provided uppon the promises of the said Cleborne to pay in 300 <sup>li</sup> for his the said Clebornes parte of the same; whoe never paide more

than 50<sup>li</sup> thereof, of which saide 50<sup>li</sup> the said Cleborne came and received of this respondents casheere 10<sup>li</sup> backe againe. And in regard of the said Cleborne his not performinge his promise in bringinge his money for his parte as aforesaid, the voyadge was given over to the greate ruyne of the said plantacion, & losse & damadge to this respondent and parteners; this respondent being forced to sell a greate parte of the said goodes here again after they were boughte, to very great losse, of which the said Cleborne is to beare his parte. And moreover the said Cleborne is a great deale more indebted to this respondent as will appeare uppon accompt, & for beaver etc which hee sould in Ireland and converted the money to his owne use; for which beaver hee often promised to bring this respondent the money for the 5/6 partes thereof belonging to this respondent and parteners, for which they were sould or the vallue thereof in beaver againe, or to assigne him to receive the vallue thereof of one Mr. Peasley who (as the said Cleborne pretended) was indebted unto him per bond; none of which said promises hath the saide Cleborne performed with this respondent, but still keepeth the proceede of the saide beaver etc in his owne handes. And otherwise for his parte hee doth not beleewe this Article to be true in any parte thereof.

To the 22<sup>nd</sup> and 23<sup>rd</sup> pretended positions hee answereth that for his parte saveinge his former answeres hee doth not beleewe this Article to bee true in any parte thereof.

To the 24<sup>th</sup> Article hee answereth that hee doth not beleewe this Article to bee true in any parte thereof, but on the contrarye beleeveth that the articulate Cleborne did offer unto this respondent his the said Clebornes parte of the plantacion to cleare him of this respondents demande against him.

To the 25<sup>th</sup> Article hee referreth himselfe to the Registrye of this courte, and otherwise hee doth not beleewe this Article to bee true in any parte thereof.

To the 26<sup>th</sup> Article answereth and beleeveth that it was complayned of to this Court on the behalfe of the articulate Cleborne, but not justly as hee beleeveth.

To the 27<sup>th</sup> hee beleeveth the same to bee true.

Ad ultimum respondet quod credit credita et negat negata.

WILLIAM CLOBERY.

### VIII

High Court of Admiralty, Miscellaneous Books 854. 29<sup>th</sup> Oct. 1639.

29 Oct. 1639. Personal answer of Cleborne to Cloberry's libel.

Miscell. Books 854. 29<sup>th</sup> Oct 1639.

<p>Repetita coram doctore Clarke, surrogato</p>	}	<p>Responsa plena et plana Willielmi Cleyborne facto quibus dam positionibus ejusdam libelli contra eum ex parte Willielmi Clo- berrie et aliorum dati facto sequantur:</p>
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Adquintum respondet quod acceptat contenta in hoc articulo quatenas faciant pro parte sua et ulterius respondet et credit That uppon the agreement mencioned in this respondents answer to the second Article of this libell the articulate shipp the Affrica was hired victualled and manned on the behalfe of the articulate Cloberrrie and the rest of the partners in the joynte stocke aforesaid and that the whole cargazone of goodes wares & merchandizes sent out in the said shippe together with the charges for victuallinge and setting out the said shippe with other disbursements for the said joynte stocke did extende to the somme of 1318<sup>li</sup> 19<sup>s</sup> 8<sup>d</sup> and noe more; but believeth that the goodes which were landed out of the said shippe into the charge of this respondent did amounte unto the somme of 470<sup>li</sup> and noe more, as hee believeth; the remainder of the aforesaid somme of 1318<sup>li</sup> 18<sup>s</sup> 8<sup>d</sup> being disbursed for victuallinge the said shippe and other charges for the joynte stocke; as by the articulate accomptes in the handes of the said Cloberrrie, to which he referreth himselfe may appeare; the which goods amountinge to the said somme of 470<sup>li</sup> were committed to the charge and disposition of this respondent, and were transported in the said shippe and landed att the Iland called the Isle of Kent, and there remayned in the power and disposition of this

respondent. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 6<sup>m</sup> respondet et credit That the said Clobberie and companie, all some or one of them, did putt aboard the articulate shippe seaventeene servants and noe more; one whereof dyed att sea outwardes bound, and the other sixteene and noe more were landed att the plantacion aforesaid; the whose charges and transportacion of which seaventeene servants were comprehended in the somme of 1318<sup>li</sup> 19<sup>s</sup> 8<sup>d</sup> mencioned in the precedente article And that the said 16 teene servants were there employed whollie for the benefitt of the said voyage & plantacion and in improvinge of the aforesaid joynte stocke by tradinge with the Indians buildinge of houses boates Keepinge of hogges and such other thinges as were for the benefit thereof. But this respondent denyeth that by meanes and occasion of the said sixteene servantes he did receive by their employments or labor or by any other meanes by them any somme of money or value otherwise then as they were employed for the benefitt of the said joynte stocke, excepte only 8<sup>li</sup> received by this respondent for the service of one Joane Yonge. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 7<sup>m</sup> respondet et credit That of the goodes sent out in the said shippe Affrica this respondent did receave for sacke and aquavitee which he solde, as also a cotton coate, two yardes of cloth and twoe water caske the valew of 14<sup>l</sup> 10<sup>s</sup> 8<sup>d</sup> and noe more; all the rest of the goodes articulate beinge burnte and consumed by a sudden fier in the absence of this respondent which happned on about the 18<sup>th</sup> of October 1631, excepte some Iron ware, about 13 gunns and other goodes amountinge as they coste in England to the value of 94<sup>l</sup> 7<sup>s</sup> 1<sup>d</sup> and noe more as hee believeth; which iron ware and goodes were employed for the use of the said plantacion and servants; and excepte also some truckinge stuffe, as axes hose and other goodes amountinge to the value of 53<sup>l</sup> 14<sup>s</sup> 6<sup>d</sup> and noe more as hee believeth, which goodes were by this respondent bartered and sold with other goodes afterwardes sente to the said Cleyborne as sett forth in his subsequent answers to the 12, 13, 14 and 15 articles, to



which hee referreth himselfe. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 8<sup>m</sup> respondet et credit That he this respondent receaved in Virginia the somme of 48<sup>l</sup> 2<sup>s</sup> and noe more for the fraighte of passingers and goodes in the shippe articulate. Et aliter referendi se ad responsa sua precedentia non credit hujusmodi articulum esse verum in aliquo.

Ad 9<sup>m</sup> respondet et credit hujusmodi articulum non esse verum in aliquo for that hee believeth that the fraighte of the shippe articulate homewardes and other profit of passingers and goodes receaved by the said Cloberrie did amounte unto as much money as was due for the fraighte articulate outward or for mens wages and other pettie charges. And further he cannot answere hereunto because the said Cloberrie and Murhead or one of them or some other with theire privitie and consent keepeth the accompte thereof from this respondent, and for that he was then in Virginia and could never have the said accomptes though he often wrotte for them and hath since often demanded them in England.

Ad 12, 13, 14 et 15<sup>m</sup> respondet et credit That he receaved out of the shippe Defense the 20<sup>th</sup> of February 1632 goodes wares and merchandizes amountinge unto the summe of 155<sup>l</sup> 00<sup>s</sup> 9<sup>d</sup> and noe more, whereof 43<sup>l</sup> 9<sup>s</sup> 4<sup>d</sup> beinge clothes was employed for the apparellinge of the servants belonginge to the said plantacion the remainder beinge 111<sup>l</sup> 11<sup>s</sup> 5<sup>d</sup> and noe more was in commodities for trade with the Indians. And this respondent also beleiveth that in the moneth of December 1634, beinge lefte unsupplied by the said Clobery and compane neere two years, to the great damage of the said trade and plantacion and contrary to theire promises this respondent receaved from the said Cloberrie and companie a cargazone of goodes out of the articulate shippes the James and Revenge amountinge to the somme of 653<sup>l</sup> 11<sup>s</sup> 2<sup>d</sup> and noe more, whereof goodes to the Value of 321<sup>l</sup> 9<sup>s</sup> were not such goodes as the said Cleyborne gave advice for, and were not vendable there but designed for other places of trade, which was a great losse and dammage to the joynte stocke, and 17<sup>li</sup> 16<sup>s</sup> 6<sup>d</sup> of the said cargazone was in

servants apparrell, but noe way sufficiente to furnishe them; by which defaulte of the said Clobberie and compaine here said servants had bine starved and the plantacion overthrowen unlesse this respondent had supplied them out of his owne Estate; And also 47<sup>l</sup>. 13<sup>s</sup>. 3<sup>d</sup>. of the said cargazone was for iron and smithes tooles for mill worke and other things for the said plantacion. But they did not supplie the saide plantacion with many needfull things accordinge to the said Cleybornes advice which goodes aforesaid received by the said Cleyborne, that is to saye by the shippe Defence, to the value of 111<sup>l</sup> 11<sup>s</sup> 5<sup>d</sup> by the shippe James and the shippe Revenge, to the value of 592<sup>l</sup> 15<sup>s</sup> 4<sup>d</sup> and by the shippe Affrica which remayned after the fier to the value of 53<sup>l</sup> 4<sup>s</sup> 6<sup>d</sup> mencioned in the 7<sup>th</sup> Article, in all amountinge to the summe of 757<sup>l</sup> 11<sup>s</sup> 3<sup>d</sup> were all that the said Clayborne had from the said partners to followe the said trade duringe the space of neere sixe yeares; by meanes whereof and of the said Clobberie and companie theire neglecte in supplyeing the foresaid trade accordinge to theire many promises this respondent was constrayned to buy in Virginia severall parcels of trade goodes at excessive rates, to the greate damage of the said joynte trade, amountinge to the summe of 814<sup>l</sup> 5<sup>s</sup> which had they bine boughte and sente out of England by the said Clobberie and companie would not have coste as he believeth above the summe of 450<sup>l</sup>; which goodes soe received by him from his partners and boughte in Virginia this respondent with much travell and hazard of his life and many of his freinds and servants, besides the servants sente over for the jointe stocke did trade with the Indians and received from them in beaver the quantitie of 7488<sup>lb</sup> of beaver skinns, whereof 5010<sup>lb</sup> this respondent sente into England to the said Clobberie and companie and the remainder was disbursed for the use of the saide trade and plantacion; which said quantitie of 7488<sup>lb</sup> of beaver might have yeilded, if it had bine sent for England as this respondent believeth 12<sup>s</sup> per lb. which amountes unto the summe of 4491<sup>l</sup> 7. More this respondent received in trade with the said Indians at severall times 2843 bushells of corne, which att

4<sup>s</sup> per bushell amounts to the summe of 568<sup>l</sup> 10<sup>s</sup> of which said corne this respondent solde unto severall persons the quantitie of 1853 bushells, for which he receaved the value of 581<sup>l</sup> 10<sup>s</sup> and noe more as he beleiveth. And the remainder of the said corne was made use of to the maintenance of the servants and plantacion. More this respondent solde unto certain English men diverse parcells of trade goodes for the summe of 99<sup>l</sup> 15<sup>s</sup> 6<sup>d</sup> and noe more. Besides this respondent leftt att his departure from the said plantacion diverse parcells of the said trade goodes undisposed of; of which the said Captain George Evelyn by authoritie of the said Clobberie and Murhead did take possession; the particulars whereof were delivered unto William Clobberie aforesaid, and is by him still detayned from this respondent. And this respondent alsoe received from the articulate shippes the James and Revenge 22 servants and noe more; three whereof dyed shortlye after their landinge. And this respondent employed the other nineteene wholly for the benefitt of the said trade plantacion & joynte stocke together with the seaventeene servants afore mencioned in this respondents answer to the sixte Article; and soe many of them as remayned alive from time to time in followinge the trade with the Indians afore mencioned and buildinge of houses Mills and other works for the necessarie uses of the said jointe trade and plantacion; which said servants were noe way sufficiente for the said work and for the maintenance and defendinge of the saide plantacion againste the Indians, and to manne the pinnaces and boates for the followinge of the trade; But this respondent was constrained to hyre diverse other servants for the saide employments and to disburse diverse summes of money for their wages clothinge and maintenance, together with other disbursements for buyinge and buildinge of pinnaces and boates and diverse necessarie provisions for the supplye of the saide plantacion duringe the tyme of sixe yeares and upwards. By meanes whereof the said Clobberie and companye are become justlye indebted unto him as this respondent believeth 3000<sup>li</sup> and upwards over and above what he receaved there either by beaver

corne or any other manner of wage. And further this respondent beleiveth that he received noe other benefitt or profitts by the said servantes employments as aforesaid or by the plantacions saveinge only the quantitie of 6348<sup>li</sup> of tobaccoe receaved by tobaccoe planted in the said plantacion and for the labour of diverse of the servants imployed by other men and to the value of 25<sup>li</sup> 13<sup>s</sup> for hogs fleashe poldavis grindstones and other goodes solde by him for the saide plantacion. Et aliter non credit hujusmodi articulos seu eorum alterum esse verum seu veras in aliquo.

Ad 16<sup>m</sup> respondet et credit That he this respondent did write to the said Cloberrye and companye to send a yonge man over to this respondent to keepe the accompts of the said trade and plantacion under this respondent; which nevertheless they did neglecte to doe accordingly; unto which letters alsoe this respondent referreth himselfe. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 17<sup>m</sup> respondet Et credit That savinge his answer to the precedente article he beleivth that the articulate George Evelinge and John Herriott were sente over by the saide Cloberrye and companye for the purpose articulate; but sayeth that they oughte not to have sente the said Evelin to be cheife commander and to take possession and charge of the saide plantacion goodes and servants without the said respondents consente, the said respondent being a partner, and they haveinge covenanted with him that he should have the managinge and charge thereof And this respondent also believeth that the said Cloberrye and companye haveinge neglected to supplye the said trade and plantacion twoe yeares and upwardes, durringe which time the same was supplied by the said respondent did send over in the articulate shippes the John and Barbara and the Sara and Elizabeth consigned to the said Eveline in the absence of the said Cleborne a cargazone of goodes wares and merchandizes and eighteene menn servants and noe more as he remembreth all which did by the Invoice of the said Cloberrye and companye amounte unto the summe of 584<sup>l</sup> 12<sup>s</sup> 5<sup>d</sup>. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 18<sup>m</sup> respondet Et credit That after the said Evelyn arrived att the said plantacion he this respondent uppon the receipte of the letters of the said Cloberry and companye did resolve to come for England and to deliver up the saide plantacion and all thinges belonging to the saide jointe stocke to the said Evelyn by Inventorye But understandinge that the said Evelyn did intende to make awaye the said goodes servants and plantacion when he had them in his possession and to transport them from the said plantacion and to alienate and dispose them contraye to the instructions which he had received from the said Cloberry and companye, which thinges the said Evelinge afterwarde did. And for that the said Evelinge beinge required thereunto by the said Cleborne tender of assignation of the said plantacion and goodes belonging to the said joint stocke refused to give his consent bond for the true conservinge and disposing of them and said he would recover them by lawe by vertue of a letter of attorney from the said Cloberry and Murhead which he shewed Therefore this respondent refused to give his consent that the said Eveline should have the possession and disposall of them as from this respondent. And this respondent sayeth that he did not take into his owne power possession and custodie the aforesaid cargazone of goodes commodities servants and necessities soe sent in the articulate twoe shippes the John and Barbara and Sara and Elizebeth that they were either landed att the said plantacion and putt into the store belonging to the said joynte stocke att Kecaughton as this respondent hath bine informed and beleiveth as goodes belonging to the joynte stocke. And this respondent further sayeth that with and the order and advice of the said Evelin and partly with the advice of this respondent whome the said Eveline afterward entreated and desired as better experienced in matters of the said trade and plantacion himselfe to give order for the barteringe orderinge truckinge tradinge and imployinge of the same they were there received and imployed. And for the proceede of the same, soe farr as concerneth this respondent he referreth himselfe unto the accompte of the same



herewith deposited into the courte of Admiraltie. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 21 respondet quod non credit hujusmodi articulum esse verum for that he beleiveth that the articulate sixte parte 'belonginge to this respondent was either supplied on the behalfe of this respondent by the said Morris Thompson out of this respondents estate here or by the sixte parte of the freighte and benefitt made by the returne of the said shippe the Affrica, which belonged to this respondent or by beavers and furrers sent over by this respondent for the joynte stocke.

Ad 23<sup>m</sup> respondet quod salvis responsis precedentibus non credit hujusmodi articulum esse verum in aliquo.

Ad 24<sup>m</sup> respondet et credit That severall times since he this respondents arrivall in England from the saide plantacion he hath desired to come to an accompte with the said Clobberie and Murhead; but this respondent beleiveth by reason the said Cloberry and Murhead did finde themselves indebted to this respondent therefore they were unwillinge to come to accompte concerninge the same, but doe unjustly Endeavour by this suite or other undue courses to defeate this respondent thereof. Et aliter respondet se ad responsa sua precedentia non credit hujusmodi articulum esse verum in aliquo.

Ad 25<sup>m</sup> respondet quod non credit hujusmodi articulum esse verum in aliquo.

Ad 26<sup>m</sup> respondet et credit That he did buye of the articulate Captaine Yonge goodes to the value of 115<sup>l</sup> 15<sup>s</sup> for which he charged a bill of exchange uppon the said Clobberie, who refused payment thereof By which meanes this respondent was forced to paye the same here in England. And uppon the returne of the bill of exchange protested in Virginia also which together with damages did amounte unto as this respondente beleiveth in all 35<sup>li</sup> But this respondent sayeth that the articulate goodes were parte of the goodes boughte by him in Virginia mencioned in his answer to the 12, 13, 14 and 15 articles, and that he receaved noe other profitt or value for the same then is there mencioned. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 27<sup>m</sup> respondet quod credit se non teneri de jure respondue articulo eo quod non concernit partes in hac causa agentes.

Ad 28<sup>m</sup> respondet et credit hujusmodi articulum non esse verum in aliquo saveing that after the articulate goodes were lawfully praised by the direction of the said Evelin, and did amounte unto the summe of 8<sup>l</sup> 7<sup>s</sup> 10<sup>d</sup> and noe more, they were by the said Evelins order delivered to one Anthony Linney at the rate they were appraised, where was to satisfie for them out of his wages due to him from the said Cloberry and Murhead; And savinge that he further beleiveth that the said Linney delivered parte of the said goodes to this respondent in satisfaction of a debt due from the said Linney to this respondent. But this respondent cannot further answer thereunto till he hath spoken with the said Linney who liveth in Virginia.

Ad 29<sup>et</sup> 30 respondet referendo se ad responsa sua precedentia, et aliter non credit hujusmodi articulas seu eorum alterum esse verum seu veras in aliquo.

Ad 31<sup>m</sup> respondet et credit That he this respondente did cause to be broughte uppon the plantacion aforesaid certeyne neate cattle of severall kindes which were his owne particular cattle and noe parte of the said joynte stocke, which have increased uppon the said plantacion; for the increase and disposall of them he beleeveth hee is nowayes bound to give the said Cloberie and companie any account. But for all such hogges as were broughte uppon the said plantacion, and for the increase and proceede of them this respondent accordinge to the agreemente made between him and his partners hath disposed of for the susteynance and benefitt of the said plantacion. Et aliter non credit hujusmodi articulum esse verum in aliquo saveinge that he sayeth that for the increase of the said neate cattle he cannott make any further answer to the same untill he hath spoken with the cove keepers and such as tended the said cattle or such as have nowe the possession of them.

Ad 32<sup>m</sup> respondet et credit That he this respondent for the profit and benefitt of the said plantacion and joynte stocke hath employed the servants boates and pinnaces belonginge to the

said joynte stocke in transportacion of passingers corne and other commodities to and from the partes and places articulate, but made noe benefitt thereby to his owne private accounte. Et aliter referendo se ad responsa sua precedentia non credit hujusmodi articulum esse verum in aliquo.

Ad 33<sup>m</sup> et 34<sup>m</sup> respondet and referreth himselfe to his former answeres which he beleiveth to be true. Et aliter non credit hujusmodi articulum vel articulas esse verum seu veras in aliquo.

Ad 35<sup>m</sup> respondet and referreth himselfe to his former answeres which he beleiveth to be true. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 38<sup>m</sup> respondet et credit That the servants and artificers which were sent over to this respondente by the said Clobberrie and companye were sente to be employed uppon the said plantation and for the benefitt thereof and to trade with the Indians and not to lett out to hire and were employed by this respondent accordingley savinge he sayeth that some of the saide Servants and artificers were sometimes lett out to hier to others for money as convenientlye might be; and for the benefitt and profitts received by him for their employments he referreth himselfe to his former answeres to the 12, 13, 14 and 15 articles, where the same is expressed. Et aliter non credit hujusmodi articulum esse verum in aliquo.

Ad 41<sup>m</sup> respondet et credit That the said Clobberrie and companye stand bound and ingaged in the summe of 200<sup>li</sup> or more as is articulate, and he this respondent hath payde and satisfied unto the artificers articulate the summe of 226<sup>li</sup> by meanes whereof the said Clobberrie and companye are disingaged and freed for soe much. Et aliter non credit hujusmodi articulum esse verum saveinge that he referreth himselfe to his former answeres

W. CLAIBORNE

*(To be Continued.)*

**EXTRACTS FROM ACCOUNT AND LETTER BOOKS OF  
DR. CHARLES CARROLL, OF ANNAPOLIS.**

(Continued from Vol. XXVI, p. 243.)

Sir

Annapolis Feb<sup>ry</sup> — 1754

I Reced Yours of the 14<sup>th</sup> Ins<sup>t</sup> this Day & shall desire M<sup>r</sup> Maccubbin to send what you want from him, since your former I had no oppertunity of sending the Bar & Cast Iron as you desired but you may be assured I will send that & what you now order by the first Safe Conveyance that offers & shall be Glad of any oppertunity wherein I Can serve you who am

Y<sup>rs</sup> Y<sup>rs</sup> s<sup>t</sup>

To M<sup>r</sup> Abraham Barnes  
in S<sup>t</sup> Mary's County

C. C.

Sir

March 9<sup>th</sup> 1754

You was so kind last Year as to offer me the Use of a Sum of money I thought I then should have stood in Need of which as it happened I did not altho' I Esteem Your Favour therein the same as if I had made use of it. I now want Two Hundred & fifty Pound Bills to make a Remittance to my son to enable him to remain some Time longer in London to be Called to the Bar for Practice in the Plantations & which he will stand in want of before I Can make Remittance to raise the money here. Altho I have above £3000 Ster due to me on Bonds and Landed Security at this Time I Cannot raise that sume out of it. As this will be a Singular Service to him & a Great favour to me, I request you will let me have your Bills for that sume, And I will for Your Security assign you Mortgages of very good Plantations & Lands which I have lying in Baltimore & Fred<sup>k</sup> Countys on which is now due 271: 17: Ster And are worth three Times the money and also my own Bond that the said Sum of £250 shall be paid with the legal Interest

Yearly, as your money will be sufficiently secured & Your Interest punctually paid, I hope for your favour herein I will wait on you and Get an Assignm<sup>t</sup> drawn of the Mortgages, and Give you the Originals when & where you desire . . .

To the Hon<sup>ble</sup> Edw<sup>d</sup> Lloyd Esq<sup>r</sup>

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Annapolis Mar. 11<sup>th</sup> 1754

Mr Charleton

Inclosed is a note of Peter Smith & Daniel Davis for 13/4 which I desire you will get soon for me its not worth while letting such a Trifle stand so long. I understand that Henry Cammeror bought a Lot or part of one & Houses &c in the Town of Jacob Bonney and paid him the most of the money; I have an Inclination to secure myself some way he having, owed me about £35 Cur. money; Pray Enquire of Bonney how much Henry Cammerer paid him, and let me know what the Lott & Improvem<sup>ts</sup> may be worth or if any Body has laid an attachm<sup>t</sup> on them. I shall be Glad How soon you Can let me hear from you in Relation hereto & let me know the particular Building & how much Ground the Lott Contains

I suppose Bonney is an honest man & will Confess what he Reced or if he made over the Lott, that you Can know in the office.

To Mr Arthur Charlton

in Fred<sup>k</sup> Town p Mr Tho<sup>s</sup> Stoddart

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Annapolis Mar. 11<sup>th</sup> 1754

Mr Charlton

I find that Trifling Debts are harder to get in than larger and people will be apt to run to the Ohio when the warm weather Comes I have Inclosed you the foll<sup>ng</sup> notes and as you will see the people probably in Your Town demand the money & if they do not pay take the proper method by warr<sup>ts</sup> for them if 50/ or



if above, get the Clerk to Issue Writ in M<sup>r</sup> Dulany's name as attorney. John Souter is a Dutch Doctor & lives Somewhere about Conigochego or Antietem Frederick Whillhyde lives near to Bernard Weymers

Philip Criver's note Balt	£2: 10. —
John Souter	7: 6
Frederick Willhyde	3 ———
	<hr/>
	5: 17.. 6

I will take no other than Curr<sup>t</sup> money of Maryland Your favour & Care herein will oblige .

To M<sup>r</sup> Arthur Charlton  
p<sup>r</sup> M<sup>r</sup> Stoddart

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Annapolis April 9<sup>th</sup> 1754

Sir

Icobad Wattson gave me the inclosed amount for Surveying 120 Acres of Land called Wattsons Delight. That Survey was to be returned in my name & by virtue of some one of my warrants in your Hands viz. one Dated Oct<sup>r</sup> 3<sup>d</sup> 1752 for 1000 Acres or some other not applied and Charge me with the fees which I will pay you. Inclosed are two Certificates which I desire you will return by virtue of the above warrant of 1000 acres as I think none of it is yet applied Unckle Unckles tells me that he gave the Courses of the two inclosed Certificates viz Red Spring and Black oak Level to Mr Howard long since but least any Mistake have now sent them again. I hope you will favour me so far as to let me know what Warrants have unexecuted in your Hands or the Quantity due to me which I think is considerable It will much oblige me that you return my Certificates in your Hands as soon as possible

I enquired in the office if Wattsons Delight was returned in my name or Icobad Wattsons as you Charged the fees but no such Certificate to be found. Your Nephew when in Town

was so kind as to promise that he would send me a List of my warrants & Exact Quantities & what was applied and what was due me unapplied which I request you will put him in mind of. I find that from the 27<sup>th</sup> October 1749 I had in your Hands 10447 acres of Common Warrants paid for in the office and I have not more than 6137 acres Patented I believe there are some Certificates of mine in the office now to be Patented & some in your Hands to be returned . . .

To Mr Isaac Brookes.

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Maryland May 8<sup>th</sup> 1754

Sir

This day I reced yours Dated 25<sup>th</sup> febr'y last p Capt<sup>n</sup> Howell in the Beaumont with acc<sup>t</sup> of Sales of sundry parcels Pigg iron I find the acc<sup>t</sup> Sales of Iron p Chew in 1751 is dated by you 2<sup>d</sup> Jan'y 1754 I hope that Iron as well as the other was sold long before that Time and that I shall find it Credited in the acc<sup>t</sup> Curr you propose to send me.

Two & half p Ct off the price of six pounds p Ton & long in Selling & paying with Commission & Charges will leave little to the maker & Shipper for Labour & Cost

I am determin'd not to depart from my Resolution of Shipping you Effects this year to Ballance our Accounts or any Advance for my son and should have shipt you the Tobacco belonging to him in the Beaumont but as another Ship in Patapsco will carry Cheaper & is more convenient shall Ship in her and have desired my son to apply to you to make Insurance on her for his Acc<sup>t</sup> I am in no doubt of getting Ships to carry on Liberty to you or any other and am now building one at Patapsco which will carry 400 H<sup>ds</sup> Tob<sup>o</sup> and will be ready next Spring which I intended to negotiate with you but I find myself disappointed in that Resolution by your mean opinion of my Credit & that of my Sons.

His & my Estate in Maryland cannot be worth less than 15000<sup>l</sup> Sterl altho: Many Debts part of mine on good Security

cannot be readily got in Therefore you needed not to Hesitate in a reasonable advance for him on any Credit without insisting for his Bond or otherwise discourageing the Young Gentlemen.

This probably may have proceeded from an Impression made on you in my prejudice by some Base mean Pedantick Politicians and to hurt the Young Gentlemans Credits thro: mine

As I never desired you to be in Advance for me where it was made Bonafider before Money in hand for my Effects without Allowing you an Interest for the same so I never intended to refuse the payment of such as well as principle so that there was not nor is the least for you to desire my sons Bond for any Ballance unless you thereby propose to distress him as I am sufficient for the same & which you shall have remitted as fast as Ships offer to take it in and if the Ships should fail in getting Home I shall be at the Expence of Insurance so that your money will be as secure as if in your own Pockett & perhaps safer.

I could have shipt iron last year to pay you but as you complained of low markets and I had no acct Sales of what I shipt I thought Glutting the marketts with an unsaleable Commodity was to no purpose.

I wrote you of Nov<sup>r</sup> 18<sup>th</sup> 1753 for some Goods to be Markt (B. C.) as you do not acknowledge the Receipt of that Letter I dont expect them Goods and upon the whole I assure you I will on my part fulfil with Honour my promise and when I receive your Acc<sup>ts</sup> it will be then time enough for me to object ag<sup>st</sup> any Articles w<sup>ch</sup> I shall think hard but will put it into your Power to act with equal Justice & Honour with me.

It is not in my power to promote your Interest as you take the means out of my Hands. The Goods I sent to you for being 1/5 of Balt Comp<sup>o</sup> Supply I must for want of buy at an advance in the Country.

Whoever I transact with must for some Small Time be in advance his Credit about 3 or 4 hundred pounds for me and as I had a good Inclination to continue my Correspondence with you I am sorry your Inclinations (I can't suppose your ability) would not induce you to keep up the same.

As every Gentleman is at his own Election to act I shall never differ with you for any backwardness of that kind nor for any means which you may think proper to take in Relation to recover what you judge due from Mr Maccubbin as I before wrote you

I advised him to apply to Mr Dick which he did and Mr Dicks answer was that he had not had a Line from you in Relation thereto.

The Capt<sup>n</sup> being just going to sail I cannot Enlarge but assure you that I would with pleasure Serve you in any reasonable manner & Gladly keep up a ffriendship which with me it is the same it has always been and assure you that I am with much respect . . .

To Mr William Black  
p<sup>r</sup> Capt<sup>n</sup> Cocksen

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Annapolis Maryld May 8<sup>th</sup> 1754

D<sup>r</sup> Charles

I reeed y<sup>rs</sup> of the 20<sup>th</sup> Dec<sup>r</sup> last Inclosing an Acc<sup>t</sup> or Sketch of one wherein Mr Black makes a Balance of £258.. 13.. 10 due to him I suppose to the 20<sup>th</sup> Nov<sup>r</sup> 1753

If I had not depended on Mr Black to advance for me in Case of need I should not have advised your going to London and as to the Interest I value it not so it be fairly calculated.

I am certain that my ffortune in hand would well Justify any advice in that point and had Mr Black advanced further as I wrote him the Ballance should be remitted this Year.

The Reason I did not ship Pigg iron last year was that what he had at Home was not sold and he complained of the lowness of markets for that Commodity.

I shall not be displeased with Mr Black for his refusal but as I find an Entire Dependance on him I hope you have not suffered for want of reasonable Supply from Nov<sup>r</sup> last

I shall write to Mr Black by this opportunity and hope he will act with Candour & Integrity and not insist on any Bond from

you as he has my Assumption for the Ballance and shall be remitted this Shipping.

You must not look on every Body that speaks you fair to be your friend as to any notion of settleing there I fear it will not answer for Ladies of fortune will scarce give it to foreigners whose Estates they deem in England very precarious Therefore you must fix your Eye for future Life in Maryland.

I am of opinion that three years in the Temple is full sufficient to Qualifie for Plantations practice which Time you will be in December next.

And altho: in the Height of my Grief I wrote you of the 15<sup>th</sup> february. last of the Death of your Brother & my desire to see you and that you would come away immediately But now take this my determinate Resolution that you stay to make up the 3 years & as long after until you meet with a good Ship & Season for a passage hither I would have you come in a Ship bound up the Bay to this Port for convenience of Landing.

I will referr to your own Judgment a suitable Conduct In the mean Time I am to tell you that your own Estate in Lands Slaves & Stock is worth 2000<sup>l</sup> Sterl and if exposed to Sale would bring the money if Tob<sup>o</sup> bore a price and upon Valuation of my own Estate in Lands Slaves Debts by Bond Mortgages & other permament Estate amounts to 10000<sup>l</sup> Sterl. & 5000<sup>l</sup> Current money wherein is included a List of Debts on Mortgages & Land Security 818<sup>l</sup> Sterl & 4000<sup>l</sup> Currant money and as your sensible th<sup>t</sup> I am past the Levity of Youth and wants no more than w<sup>t</sup> may accommodate nature in moderation I cannot spend much of it so that the whole will come to you but for the good Government & Improvement thereof your presence here will be needfull and the more so as I am Infirm and a violent Cough attending me which does not seem to relent but of late Increases and altho the state of my fortune is as above yet I cannot get in so much money as to remitt what I would desire and is needful for you.

I shall this year Ship one hundred Ton of Pigg iron to Mr Black to pay himself thereout and shall Endeavour to make



you Remittance Exclusive to keep you until the Spring when I shall hope (if living) to see you.

I have now on the Stocks at Patapsco a Ship that will carry four hundred H<sup>hds</sup> Tob<sup>o</sup> which will be in Condition to take her Loading next Spring at present I dont know what merchants to address to to send Sails & Rigging &c.

My method would be to insure the ffreight & Vessel and out of the Sale & ffreight &c to pay such Acc<sup>t</sup> of Rigging Sails &c.

If you Judge proper when this comes to Hand you propose to M<sup>r</sup> Perkins if he will take the offer or if not to M<sup>r</sup> John Hanbury & Comp<sup>a</sup> and let me have their answer Timely that I may send to have the Things by a forward Ship in the Spring and send proper Instructions for Insurance which if the Gentlemen Accept of this proposal I shall for the future transact with them and make my Remittance that way and as I have prepared a Ship yard & have workmen of my own both Serv<sup>ts</sup> & Slaves I shall pursue the Business of Building if I find it answer as you desire in yours ff<sup>eb</sup><sup>ry</sup> 23<sup>d</sup> to Ship your Tob<sup>o</sup> to M<sup>r</sup> Black I shall ship it to him I desire you will order him to make Insurance for you on the Ship Hanbury of Maryland James Creagh master now riding in Patapsco River and Cargoe for 100<sup>ll</sup> Sterl. in and from Patapsco River in Maryland and thence to the Port of London in Great Britain and there untill unlivered ag<sup>st</sup> ffire Pyrates Enemies & other Casualtys as Barratry of the Master or others & all Damages of the Sea.

Such Insurance you should desire to be made in some Publick office for the small underwriters often fail & Quible.

The Ship is a good new Ship Patrick Creagh of this Town owner & carrys at low ffreight which inclines me to Ship there

The Charges of Insurance & premio must be charged to your Acc<sup>t</sup> by M<sup>r</sup> Black which I suppose (unless a ffrench War) will not exceed two & half p. Ct.

If I had not reced yours & M<sup>r</sup> Blacks this day by the Beaumont after I had wrote the former part of this Letter I had designed to apply to Perkins to make Insurance of your Tobacco as I should have sent it to him

I shall write in full to M<sup>r</sup> Black by this Conveyance and am a good deal surprized at his meaning by desiring you to give a Bond for any advance required by me which what he has done as yet is but a Trifle in Comparison to the security my Estate here is good for.

I fear he might by such mean ways attempt to distress you & may be encouraged thereto by one from hence & others there

However as your Stay in London will not require any further application to him after the receipt hereof you will be free from any intended unkind usage of his

I shall take Care to transmit p Rawlings (who will sail from hence soon) further Credit for you on M<sup>r</sup> Perkins and then after Sufficent to answer all your occasions till you come away in the Spring which I peremptorily expect will not exceed eight or nine months after the receipt hereof.

You have no occasion to part with M<sup>r</sup> Black in an unfriendly manner but as it do's not suit him to supply you further that you have made provision another way.

You have inclosed a Letter to M<sup>r</sup> Perkins which I hope will answer your present occasions and you may be assured to hear p Rawlings from

Dear Charles Y<sup>r</sup> affectionate ffather & M<sup>r</sup> H<sup>ble</sup> Serv<sup>t</sup>

C. C.

To Charles Carroll Esq<sup>r</sup>

Middle Temple Garden Court

Library Stair Case N<sup>o</sup> 2

London

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July 8<sup>th</sup> 1754

Sir

If you are Inclinaire to purchase the Houses & Lotts of Alexanders you shall have them for Three Hundred and Twenty pounds Current money of Maryland if you will take them directly into your possession and pay onely Common Intrest of Six p Cent for the Money untill paid for the Releaseing of w<sup>ch</sup>

to you on such payment I will give you my Bond & take yours for the Money

I assure you by this I loose above Thirty pounds I am Respectfully . . .

To Mr W<sup>m</sup> Thornton, These

---

Maryland July 8<sup>th</sup> 1754

Gent

I reced your of the 20<sup>th</sup> March last p Capt<sup>n</sup> Davison Came to Hand desiring my Consignments.

As Mr William Black with whom I have transacted for some Time has declined this Trade I am very willing to turn my affairs into your Hands and by this Shipping to send you what my Son & I Ship viz. Pigg iron & Tobacco.

My Son being in London and to whom I have sent this Letter to deliver will wait on you.

It is in your Power to be serviceable to me and useful to your selves by drawing Commission & Interest from the Negotiations for me.

I am therefore to propose to you to pay Mr William Black a Ballance due to him upon an Account ag<sup>st</sup> my Son which will I suppose be about three hundred pounds when he Credits him for the produce of twenty eight H<sup>hds</sup> Tobacco which he has for sometime had in his Hands belonging to him. and also to supply my Son with whatever he may want during his Stay in London which will be till next Spring about April or May when a good Ship coming this way may offer for his passage hither.

And that you may be no looser by what you pay Mr Black or advance my Son I will pay you five p Cent Interest for until my Remittance which I shall mke, you are in Cash to discharge the same, which is a better Interest than you can make there and your money as Secure as in the Bank.

If you approve of this proposal I desire you will make Insurance on the following Ships for me for the respective Sums Annex. (That is to say)

The Brigantine Chapman John Dare Master and Cargoe now lying in South River in Maryland and there and thence to the port of London in Great Britain and there until unlivered for the sum of one hundred & thirty pounds Sterl and upon the Ship Buchanan James Hall Master & Cargoe two hundred & twenty pounds Sterl and upon the Ship St Laurence Tho<sup>s</sup> Hooper Master & Cargoe one hundred & fifty pounds Sterl both the last now lying in Patapsco River in Maryland there and thence to the port of London in Great Britain and there until unlivered ag<sup>t</sup> all Casualtys &c.

I shall further Advise when I ship Effects in any other Ships for Insurance that thereby you may at all Events be safe in Serving me.

I shall this Shipping send you one hundred Ton of Pigg iron beside Tobacco and I hope some Bills if I can get money due to me in which if I could readily do should have no occasion for any Advance but my Debts being safe on good Security and as I receive Interest shall readily allow you the same as I before proposed and therefore hope you will not Hesitate at this proposal but serve me & my Son on the present occasion which shall with Gratitude be returned by both.

I have that opinion of my sons prudence & Conduct that he will take up no more than what is absolutely needful for his occasions which I suppose will not exceed three hundred pounds Sterl which with any other advance you make for him or me I oblige my self to pay with Interest as before.

And as I hope for your Acceptance of this proposal shall Depend on your making the Insurances aforesaid and be glad to hear from you by way of Philadelphia and the first opportunity to Maryland & Virginia which will much oblige . . .

To Mess<sup>rs</sup> Jn<sup>o</sup> Hanbury & C<sup>o</sup> Merchants in London

p Capt<sup>n</sup> White

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Maryland July 9<sup>th</sup> 1754

Sir

I reced yours with a Postscript of the St Mary last and from my Son an Account Current from you unsigned but as I suppose it is such an one as you will Sign and send me I shall have no difference with you thereon altho I cannot but suppose you were sooner in Cash for my Pigg iron than upon Credit and Charge Bills paid as soon as they appeared The Ballance of that Account four hundred & thirteen pounds eighteen Shillings and eight pence due to me I am satisfied with it being carried to the Credit of my Son Charles Carrolls account with you.

I have also had that Account from my Son but I observe you omitt to Credit him therein for the produce of fourteen H<sup>hds</sup> Tobacco Shipt you in Judd by him in 1751 An Account of Sales of four of which I reced from you and your Letter Dated febr'y 11<sup>th</sup> 1752 Clearing thirty pounds fifteen Shillings & Eleven pence which Tobacco you much praise and I doubt not but the other ten were equally good and I must Suppose were also sold at an Adequate Price

This omission I attribute to a mistake and make no doubt but you will credit him with the produce in its proper Time deducting Interest accordingly and also Credit him with the produce of the H<sup>hds</sup> Tobacco by Cooper last year and any Ballance due from him after that shall be honestly paid you . . . To Mr W<sup>m</sup> Black Merchant in London (p Capt<sup>n</sup> White)

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Maryland July 9<sup>th</sup> 1754

Gent.

I Desire you will send the inclosed Letter by a porter or sure Hand to my Son as its directed and any Charge Attending the same place to my Account.

There is a Letter inclosed therein for you with which he will wait on ye . . .

To Mess<sup>rs</sup> John Hanbury & C<sup>o</sup>  
Merchants in London  
(p Capt. White)



Maryland July 9<sup>th</sup> 1754

Dear Charley

I reced your Sev<sup>l</sup> Letters and the Accounts given you by M<sup>r</sup> Black ag<sup>st</sup> yourself and me.

I had an Account Current from him Dated March 11<sup>th</sup> 1752 Ballance due to me £613.. 13.. 8 and find he carrys that to the Credit of the Account you sent me but neither in that Account or any other has he ever Credited me with six ffarthings or any other Sum for your ffourteen H<sup>hds</sup> Tob<sup>o</sup> in 1751 nor the fourteen H<sup>hds</sup> Tob<sup>o</sup> by William Cooper in the Susannah in 1753 for both which I have Bills of Lading the produce of which he is to Credit your Account with.

I reced a Letter from M<sup>r</sup> Black Dated 11<sup>th</sup> ffeb<sup>ry</sup> 1752 inclosing an Account of Sales of four H<sup>hds</sup> of your Tobacco by Judd cleared by the account and Letter £30.. 15.. 11 and in the Letter he praised the Tobacco & your overseer but I never saw any Account of Sales of the other ten H<sup>hds</sup> or the fourteen by Cooper.

M<sup>r</sup> Blacks not crediting the Account given you by the produce of them 14 H<sup>hds</sup> by Judd (w<sup>ch</sup> I doubt not were sold) I attribute to a mistake and hope he will credit it in a proper place deducting for the Interest.

I am sure that all the Tobacco Shipt from your Quarters in Judd were of equal Goodness Your overseer Richard Rawlings has the account of Sales of them four H<sup>hds</sup> and I have advanced for him and your other overseer their Share & more of 3 years Crop.

The account you sent me from M<sup>r</sup> Black I will not differ with him thereon tho: I have Reason to believe he was sooner in Cash for my Iron than he Credits yet to avoid Squabbles I agree to the Ballance of £413.. 18.. 10 due to me and carried to the Credit of your Account the 4<sup>th</sup> June 1754

As for the sums you received of him and when reced you can best tell and whether his Charge of Interest be Right.

I have said enough on the article of your Tobacco which must be carried to the Credit of your own Account in its proper place as before observed.

I leave the inclosed Letter to Mr John Hanbury & Comp. open for your perusal & desire you will accordingly wait on him with it after you have taken a Copy and Sealed it and let him know you are sensible of the Contents and proposal made by me.

If he accepts of it I hope by your Letter of 9<sup>th</sup> April by Capt<sup>n</sup> Askew you have not nor will get Mr Black to Insure on Creaghs Ship for your Tobacco which now I shall Ship to Mr Hanbury and who you may get to Insure if not done before but even if done Mr Hanbury may take the Insurance I shall Ship him your Tobacco in Creagh.

When you have perused my Letter to Mr Black Seal the same and send it to him.

As I hope you will have received my Letter of the 8<sup>th</sup> May last before this comes to Hand I have not to add at present but assure you of my Love Respect & Esteem and am accordingly

My Dear

Y<sup>r</sup> affectionate ffather

C. C.

To Charles Carroll Esq<sup>r</sup>

Middle Temple Garden Court

Library Stair Case N<sup>o</sup> 2

London

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Annapolis Maryland Aug<sup>t</sup> 29<sup>th</sup> 1754

Gent

I am now building a Ship in Patapscoe River which will carry about 400 H<sup>hds</sup> of Tobacco she will be early ready to carry the present Housing Crop of Tobacco next Summer or as soon as the Tobaccoc shall be ready as you Hire Ships I apprehend it will be as much your Interest to make use of mine in that River next Crop as any other she will be a well performed Vessel and I will take your ffriends Tobacco either in that River or any River convenient at the Current ffreight & common incident Charges. I have good strong decked vessels to

bring the Tobaccœe from any part of the Bay and shall with a great deal of pleasure Serve you therein.

If you think proper to accept of this offer and Judge that any Master who has served you would be useful to promote your Interest in Loading and you send such a person in here in one of your Ships I will employ him as Commander of this Ship after his arrival.

This ship I intend for Sale when she arrives with you and have reason to hope that you can & will serve me therein as well as any in the Trade.

You may Depend that you will meet no Disappointment in Respect to the Ship being ready for your Service Timely next Summer in the said River unforeseen accidents of fire or such excepted to which all are liable.

If you accept of my proposal I shall send proper Directions for Insurance of this Vessel in due Time nor shall you be out any further Expençe on her till she arrives in London as I have reason to hope you have accepted of my former in my Letter of the 8<sup>th</sup> July last determines me to put my whole Interest into your Hands and by the next Years Shipping I doubt not but to have a Ballance with you.

I desire you will let me have the favour of a Line in answer hereto as soon as possible or a good opportunity offers . . .

To Mess<sup>rs</sup> John Hanbury & Co.  
Merchants in London

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Maryland Aug<sup>t</sup> 30<sup>th</sup> 1754

Dear Charles

I have no to doubt but you received my Letters of the 8<sup>th</sup> July last and hope that M<sup>r</sup> Hanburrys have accepted my offer If not you have my Authority to make it to any other and I will be punctual in Compliance with my promise and answer every Tittle and the next Year with this make such Remittance as shall leave a good Ballance in my favour.

I herein inclose you a Copy of a Letter which I have of this

date & Conveyance wrote to Mess<sup>rs</sup> Hanbury the Contents of which you will observe that I shall want no supplies more than Insurance from them on the Ship till she arrives in London.

In Case they refuse my offer you are likewise free to make it to M<sup>r</sup> Anderson or any other on the Terms of Loading in Patapsco she being there convenient to my plantation & where the Lumber lies and near a Rope walk where great part of her Rigger is made and will be

Any Gentleman who takes up the proposals I have made will be as Secure as if their money were in the Bank of England and draw more profit therefrom and be in Cost before December 1755 with Interest & Commission for any advance which would not have been much after this year if I could have shipped what pig iron I have in the Country which amounts to 150 Tons fifty of which I have shipped Your Tob<sup>o</sup> is on Board of Creagh as I advised

Certainly you cannot miss of some Gentleman in the Trade who has faith and a small sum to spare on my Terms for a year or eighteen months and not all to be advanced at once neither If I could possibly get in my own Debts I could readily advance much more Treble than you want.

I refer to your self and you may depend on my Compliance to my proposals I have not to add but that I am with love & respect . . .

To Charles Carroll Esq<sup>r</sup> Middle Temple Garden Court Library  
Stair Case N<sup>o</sup> 2. London

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## PAPERS RELATING TO OFFICERS OF THE CUSTOMS IN NORTH AMERICA.

[The following papers are transcripts of the Treasury Office, from the British State Paper office secured in London by the late Richard D. Fisher. They are of particular interest in view of the recent restoration of certain customs papers to the custody of the Society and to the publication of Mr. Lawrence C. Wroth's very valuable paper on the Rev. James Stirling published in the Proceedings of the American Antiquarian Society, Vol. 41, p. 25.]

### REPORT OF ANNAPOLIS.

Honourable Sirs/

Having gone with attention through The Business of Pocomoke District, I set out for Patuxent River, and on my Arrival I found the Coll<sup>r</sup> had removd his Office from thence to Annapolis, and only act'd there by a Deputy. I examin'd the Books to see in what manner the Business was carri'd on, and I found it was Transacted by a Person for a Quarter part of the Coll<sup>rs</sup> Fees, which yielded to him only about 18 or 20£ p. añ. Vessells bound up the Bay commonly call at the Mouth of Patuxent River The Master goes up to the Deputy Coll<sup>r</sup> and enters his Vessell and what Cargo he thinks proper, which is landed without the least Inspection of an Officer, and upon their return down to clear out, they report the Quantity of Goods they are to pay Duty for, which is at their own Election, in my inquiring into the reason of the Business being done in such a loose manner, the Deputy Collector answer'd he could not take much pains or pay much attention for the small allowance of 18 or 20 pounds p An<sup>n</sup> out of the Coll<sup>rs</sup> Fees.

After this I survey'd the River, which is a perfect good Harbour in every part of it.—

I then set out for Annapolis as soon as I arriv'd, I repaired to the Custom House, and went upon the Bussiness of the Office, and I now beg leave to Report to your Honours that I examin'd with great attention the Receipts of Duties from the 8<sup>th</sup> Sep<sup>r</sup>



1767 to 8 April 1770 and I found the Collectors Aud<sup>t</sup> to agree with the Duties Reciv'd, and that the Cash in hand was sufficient to answer the Ballance due to the Crown. The Collector is bout 50 years of age, is a Man of good abilites, and stands in high Character in Government, he acts by Deputy through out all his Districts, having one at Annapolis, one at Patuxent, and one at Oxford. The Business of the Office is done with great exactness. The Comptroller went to England upon leave from the Governor for the Benefit of his Health, and has since as I am inform'd obtain'd further leave from the Treasury. The same Person acts as Deputy for him & also for the Coll<sup>r</sup> Mr. Leeds the Surveyor resides upon Choptanck River. A Surveyor is but of little use to the Service, as Business is done here. Vessells load and unload throughout those Rivers at such a Considerable distance from each other, that the very Expençe of Visiting them would be much more than the Salarys they receive, on that Acct little Service is done by these Officers.

Baltimore, Oxford, and Patuxent are the Places where the Navigation is principally carried on, which is very Considerable, there was last year 24 Sail of Vessells employd from this District to Foreign Ports in Europe, and the Foreign West India Islands, and also two ships, 1 Schooner, & 1 Sloop, to Maderia, all which on their Returns principally enterd in Ballast, only, as they Chiefly do in the other Ports within Cheaspeak Bay, by which your Honours will see that there are great Appearances that a Clandestine Trade is carried on in this District; particularly at Baltimore which the Coll<sup>r</sup> of Patuxent claims as it is much the greatest Market for all kinds of Goods of any other Place in the Province, and where there is no sort of Check on the Trade.

Annapolis is very pleasantly situated and have a full View of all the Vessells going up and coming down the Bay. Except such as passes by Night, there are no Vessells that go to Sea belonging to this place, but as it is the Seat of Government and Centrical, the Collector thought it the properest place for fixing his Office at, and at the same Time write to the Commissioners

in England upon the Removal and the Collector tells me their Honours had approv'd of the measure, but no such Approbation appears in the Office, The Custom House at Annapolis is a very good Building lately erected for carrying on the Business of the Customs and no part of it is Occupied for any other purpose, and I think Ten pounds p anñ for Rent and Firing a very reasonable allowance.—

I have hereto annex'd a list of Outstanding Bonds which is included in the Paper Mark<sup>t</sup> No. 1, and a list of all Official Books and Papers and other things belonging to the Custom House in the Paper Mark<sup>t</sup> No. 2. I know of no Boat belonging to the District, neither do I think there is the least Occasion for one. As to the Dispute between the Coll<sup>rs</sup> of Patuxent and Chester in regard to the Boundaries of their Districts, I beg leave to refer your Honours to my Report upon that Head—

Nothing further Occurs to me in this District worth Troubling your Honours with.

I am with due Respect

Your Honour most Obed<sup>t</sup>

Hum<sup>le</sup> Servant—

Jn<sup>o</sup> Williams

Annapolis Custom

House 12 May 1770

To The Hon<sup>bl</sup> The Commissioners of His

Majestys Customs Boston—

#### REPORT OF CHESTER IN MARYLAND 26TH MAY 1770

Honourable Sirs

After finishing my Survey of the District of Patuxent I set out for Chester River, and upon my Arrival at New Town upon the same River where the Office is kept, I repair'd to the Custom House and found the Collector attending his Duty. I proceeded immediately upon the Business of the Office, and after finishing it, I set out to View the District, and having now Completed the whole; I beg leave to represent to your Honours, that I first

took an Aud<sup>~</sup> of what Duties had been receiv'd since 8 Sep<sup>r</sup> 1767 to 5 April 1770, which only amounted to Eight pounds fifteen shillings and one penny, and has been remitted to Ch<sup>a</sup> Stewart Esq<sup>r</sup> Cashier & paymaster Gen<sup>l</sup> at Boston.

The Collector of this District is a Man of abilities, and is exact in the Business of the Office, but as few Vessells Enter with him, the narrow Income of His Office, is not sufficient to support himself, and Family, therefore he still Continues in Trade, and is at present Owner of a Brig, which uses the West India & Foreign Trade, from this District. The Brig trades under the management, and names of the principal Merchants in the Place, by which I apprehend, much greater evils may arrise to the Revenue, than if he held her in his own name, as the Property is vested in the hands of these Merch<sup>ts</sup>, tis in fact a Security to them, that if they are inclin'd to smuggle; The Collector will not proceed against them, neither can he without Risqueing the loss of his Own Interest in their hands; I have enjoyned him that he must Clear himself of all those Connections which he promis'd to do, and devote his whole attention, to the Business of the Revenue, if his District, should be allowd to be the same as it was in Mr. Starlings Time, otherwise he cannot support himself.

The Comp<sup>te</sup> resides at Annapolis, and Acts by Deputy, he is a Man of abilities, and a good Character, and is about 28 years of age, There are about 20 Sail of Vessells which cleare from this Port p Ann 15 sail of which, are employd in the West India & Foreign European Trade. I have observ'd that last year three Ships, and four Brigs, Traded to Lisbon, one Ship to Cadiz, and one Snow to Oporto, One Snow & five Schooners, to the West Indies, all which on there return enterd very little more than Ballast.—

The Customs House is a separate Building from the Collectors House, and I think five pounds Star<sup>g</sup> p Ann<sup>~</sup> is a very reasonable Charge for the Office, and firing, &c.

The Collector has no Boat here neither is there any use for one—

There are no Outstanding Bonds, in the Office, the list of all Official Books and Papers, and other things belong'g to the Custom House, are hereto annex'd, in the Paper mark'd No 1, nothing further Occurs that makes it necessary to Trouble your Honours with in regard to this Port—

I am with the greatest Respect

Gentlemen your Honours most Obedient

Annapolis 26th May 1770

& most humble Servant

Jn<sup>o</sup> Williams

The Hon<sup>ble</sup> The Commissioners  
of His Majesty's Customs  
Boston

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(ENDORSED) 28 SEPT<sup>r</sup> 1772. COMM<sup>rs</sup> CUSTOMS IN AMERICA  
RESPECT<sup>G</sup> A CONTROVERSY BETW<sup>T</sup> THE COLLECTORS OF  
PATUXENT AND CHESTER RELATIVE TO THE  
LIMITS OF THEIR RESPECTIVE DISTRICTS.

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May it please your Lordships

A Controversy having subsisted for some time past between the Collectors of the Ports of Patuxent and Chester in the Province of Maryland relative to the limits of their respective Districts, and frequent Complaints having been made by them to this Board upon the subject—We beg leave to acquaint your Lordships with the substance of their several Representations and to submit to your Lordships Consideration a plan for settling and limiting the bounds of each District, such as in our Opinion, may prevent and remove all Cause of dispute for the time to come.

The Officers at Patuxent set forth “that this District comprehending the Ports of Annapolis, Patuxent and Oxford includes by Custom and usage since the Settlement of the Province, the whole of Chesapeake Bay above the Mouth of

Potomack River on the West and including Choptank River on the East side thereof, except the River Chester which was separated from their District in the Year 1742 in favour of a Mr. Stirling then a Doctor of Divinity living upon the said River, who by his Interest obtained a Commission as Collector of that River before they were appraised of the hardship done to them, but upon Representation of the Matter to the Lords Commissioners of His Majesty's Treasury and the Commissioners of the Customs in England, they adjudged the granting the Commission to have been wrong and unfairly obtained, but rather than vacate it, as it was then issued, they promised that no appointment should take place in case of Mr. Stirling's Death."

On the other hand the Collector of the Port of Chester and Petapsco contends "that on his succeeding Mr. Stirling he becomes invested with the same Powers, authorities and extent of District that were granted to the said Stirling, although by his Deputation from the Commissioners in London he is called Collector of Chester only, which has given rise to the present Controversy and pretensions of the Collector of Patuxent, who from the wording of Mr Geddes's Deputation considers that his powers are confined to the River Chester only."

The Report of our Inspector General Mr. Williams is to the same purport and effect, with respect to these Circumstances as what has been here mentioned recommending at the same time that the limits of the Port of Chester may be fixed as in Mr. Stirling's time and that the Office may be removed to the Town of Baltimore.

/Upon inspecting the Maps of this Country we find that the Rivers Choptank and Nanticoke (claimed by the Officers of Patuxent as part of their District) are situated on the Eastern side of Chesapeake Bay and lay contiguous to the Chester River—whereas the River Petapsco (contended for by the Officers at Chester) on which the Town of Baltimore stand, appears to be within a small distance from Annapolis, where the Officers of the Patuxent District reside and here we think it necessary



to inform your Lordships that of late Years the Town of Baltimore has become a Place of considerable and extensive Trade in that Country and bids fair from the present Appearances to be one of the most flourishing Town in that Province—Upon a late Inspection made of that place by our Inspector General it appears that there are thirteen Vessells employed in carrying the Produce of the Country from thence to Lisbon and the West Indies which bring in return Rum Sugar Molasses Coffee &c and Salt from Lisbon, besides a great number of Coasting Vessels—Under these Circumstances we would humbly submit to your Lordships Consideration whether it might not be advisable to establish a Port of Entry at Baltimore under the Direction of a Collector and Comptroller, as in other Ports upon the Continent, but as no Officer of any kind has hitherto resided at that place we propose to proceed to the Appointment of a person to act in the Capacity of a Preventive Officer for the better Security of His Majesty's Revenue untill your Lordships further Pleasure shall be known hereupon.

It doth not appear from any Records in our Secretary's Office that the limits or boundaries of the Ports of Patuxent and Chester and Petapsco have hitherto been fixed or explained by any Authority from Your Lordships or the Commissioners of the Customs in England which has probably given rise to the present Controversy and the intermixt State of these Districts. We would therefore humbly propose to your Lordships that the District of the Port of Patuxent may be henceforth confined to the Western side of Chesapeake Bay, from the Mouth of Potomack River including all the Rivers, Creeks and Bays as far as the River Susquehannah on the North (subject nevertheless to your Lordships special Directions with regard to the Town of Baltimore), and that the Port of Chester may be made to include all the Rivers on the Eastern side from the limits of the District of Pocomoke in Maryland Southward, including the River Choptank, to the limits of the Port of Newcastle on the River Delaware to the Northward of the Province of Maryland, which Division considering the situation of the Ports

appears to us to be most natural and best calculated to prevent any further Controversy or Complaints, and if your Lordships are pleased to approve thereof we pray your warrants accordingly.

Which is humbly submitted

Custom House Boston  
28th September 1772.

Wm. Burch  
Chas. Parson  
Benj. Hallowell

The Right Honorable the Lords Commissioners of  
His Majesty's Treasury.—

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#### OFFICERS OF THE CUSTOMS

May it please your Lordships.

We beg leave to lay before your Lordships the Establishment of the Officers of the Customs in America for the quarter ending the 10th instant.

Benjamin Tasker Surveyor of Annapolis in Maryland died on the 18th of June.

Thomas Ridout Surveyor of Bohemia & Sasafras in the same province (who not having resided within that district nor attended to the duty of his Office) thought proper to resign his employment upon being required to reside there.

We have not made any presentments for these two Officers as we at present apprehend they have not answered the purpose of their establishment, but they are continued upon the establishment until we can have an inspection made of the different Ports, when we intend to lay before Your Lordships such representations as may shew the necessity of suppressing these with many others, and adopting some other regulations whereby the Revenue may be more effectually benefited and secured.

Which is humbly submitted

Castle William  
Boston Harbour  
28th October 1768

John Robinson  
Hen. Hulton  
Wm. Burch  
Chas. Parson

To the Right Honble The Lords Commissioners of His Majesty's Treasury

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A List of Officers of the Customs on the Establishment for North America; for the payment of whose Salaries, Warrants have been granted from the Treasury, and therefore have not been paid since 5th July 1776—

Ports	Offices	Officers Names	Salaries p annum	
			£	s. d.
Pocomoke	Collector	William Bacon	60.	0. 0
	Comptroller	Andrew Ragg	50.	0. 0
	Surveyor	Levin Gale	60.	0. 0
Williamsted	Surveyor	John Leeds	35.	0. 0
Bahama & Sasafras	Surveyor	Robert Stratford Byrne	50.	0. 0
Wicomico & Munni	Surveyor	The Person serving	40.	0. 0
Chester & Petapseo	Comptroller	John Clapham	40.	0. 0
Patuxent	Collector	Benedict Calvert	80.	0. 0
North Potomack	Collector	Daniel Wolstenholme	60.	0. 0

*p.*— 164. contains a draft of the above list with the salaries made out quarterly instead of *p. annum*.

An Account of Salaries due to Officers of the Customs in North America by Establishments to the 5th of July 1776.

Ports	Offices	Officers Names	Expected to be demanded soon	Not expected to be demanded soon
Pocomoke	Comptroller	Andrew Ragg	75/	
	Surveyor	Levin Gale		180/
Williamstead	Surveyor	John Leeds		61/5/
Bahama & Sassafras	Surveyor	Rob <sup>t</sup> Stratford Byrne		86/18/6
Delaware Bay	Surveyor	Joseph Shippen	62/10/	
Patuxent	Collector	Benedict Calvert	160/	
North Potomack	Collector	Danl. Wolstenholme	60/	

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## BAMFORD'S DIARY.

## THE REVOLUTIONARY DIARY OF A BRITISH OFFICER.

The diary of William Bamford which has never before been printed will prove of interest to students of the American Revolution. The story which it tells throws much interesting light upon many striking events of the year 1776. In it the author, Captain William Bamford, an Irish officer in the British Army, records day by day, from January 8 to December 31, 1776, his experiences in the field and his personal impressions of the various campaigns and actions in which he takes part. The events cover the operations about Boston in the winter and early spring of 1776, its evacuation by the British, their retirement to Halifax and return in the summer to Staten Island, the campaign on Long Island, and their occupancy of the city of New York, following its evacuation by Washington.

Of the author himself little has been learned except the bare facts of his military career which a search of his record in the files of the British War Office has revealed. He is stated to have been a native of Ireland, and as his age was given as 46 years when his regiment was reviewed in Dublin in 1774 the year of his birth was either 1727 or 1728. We find that he was appointed, March 10, 1743, an Ensign in Colonel Otway's 35<sup>th</sup> Regiment of Foot; on February 26, 1746, he became 2<sup>nd</sup> Lieutenant and on February 16, 1756 was made a 1<sup>st</sup> Lieutenant. On December 25, 1762 he was promoted to be Captain-Lieutenant of the same Regiment, of which Colonel H. Fletcher Campbell was then the colonel, and May 25, 1772 was brevetted Captain in this same Regiment, very possibly for bravery in action. He changed his regiment three years later and was appointed March 25, 1775 Captain of the 40<sup>th</sup> Regiment of Foot, Sir Robert Hamilton, Colonel, with which he served in the American Revolution until October 15, 1778 when he retired from service while his Regiment was still in America.

The histories of the two regiments with which Bamford served during his military career, extending from 1743 to 1778, show that they were in active service during most of this period. His first regiment, the 35<sup>th</sup> Foot, originally an Irish corps, but later known as the Royal Sussex Regiment, played an important part in the Seven Years' War, or as it was called in America, the French and Indian War. Sent from Ireland to Nova Scotia in 1757, four years after Bamford had joined, it was present at the siege of Louisburg in 1758, and in the following year was with Wolfe at the capture of Quebec; it later took part in the operations against the French and Spanish in the British attacks upon Havana, Martinique, and Florida. After the close of the war it returned to

Ireland. Although it was sent to America upon the outbreak of the Revolution, where it served with distinction, we are not concerned further with it here, as our diarist by this time had changed his corps. A few weeks after he was commissioned a captain in the 40<sup>th</sup> Foot, March 25, 1775, his new regiment was sent to America, sailing in May and reaching Boston on June 25, 1775, thus arriving just a week too late to take part in the Battle of Bunker Hill. The 40<sup>th</sup> Foot seems to have spent the remainder of the year 1775 uneventfully at Boston with the rest of the British army. The movements of this regiment during the year 1776 are fully recorded in the diary and have already been briefly summarized. But after the close of the year 1776 we must again refer to other sources to learn that the corps, which had gone into winter quarters in Brunswick in November 1776, took part in the battle of Princeton on January 3, 1777. It remained in the Jerseys until the late summer when it went with the other British forces under Howe to capture Philadelphia. We learn that it took part in the battles of Brandywine and Germantown, and was in Philadelphia during the gay winter of 1777-1778, returning to Staten Island in the spring of the latter year. In November of 1776, it was ordered to the West Indies, and it was doubtless in anticipation of this that Bamford, on October 15, resigned his commission. The subsequent history of the regiment, therefore, does not concern us. It seems more than likely that Bamford kept a diary for other years than 1776, but this is mere surmise.

His service record first shows that he was "in America" from 1757 to 1764. when his Regiment took part in the French and Indian War, and that during the last two years of this period he was in service in Florida in the campaign against the Spanish resulting in the wresting of this province from Spain. We find him at home in 1768 when he was on recruiting service in the Windsor District. He was in Ireland with his Regiment, the 35<sup>th</sup> Foot, in the early seventies, probably in connection with the suppression of one of the numerous uprisings there at this period. On July 25, 1774 he was with his Regiment when it was reviewed in Dublin by Major-General, the Earl of Drogheda.

Nothing further has been definitely learned about William Bamford himself or his antecedents and background. In the back of the diary is a note doubtless made by a great-nephew into whose possession it had passed; "This Book became my property after my dearly beloved Father obtained it through a friend at Banagher after the Death of his uncle William Bamford. J. Br<sup>d</sup>." We know that he was a native of Ireland and this note would indicate that he probably lived at Banagher. Search shows that there were places named Banagher in both King's County and in Londonderry, and that part of the 35<sup>th</sup> Foot was stationed in one of these places in July 1774. No will or other record of Bamford



has been found. He was doubtless a member of an Irish branch of the well known English family of this name.

The publication of the Bamford Diary in the *Maryland Historical Magazine* has been made possible through the courtesy of the Hon. John W. Garrett, to whose valuable library of Americana this manuscript belongs. It was acquired several decades ago by his father, the late T. Harrison Garrett. It is a small volume, 3 x 4 $\frac{3}{4}$  inches, in a handsome red morocco binding of later date than the diary itself, and is in remarkably good condition when one realizes that it must have been carried in the field by its owner for at least a year. The writing is small and very legible. A definite system has been followed by the writer in making his entries. On each left hand page under the heading, "Mem<sup>dm</sup>," are daily dated entries covering the period of a single week, devoted largely to weather conditions with occasional notes on other matters. On each right hand page under the heading "Remarks &c<sup>a</sup>" are to be found entries covering the same weekly period, relating to the writer's military activities, impressions as to the progress of the campaign and remarks of personal interest, which are either specific dated entries or weekly summaries of events. Bound in with the diary is the original parchment commission, dated March 25, 1775 appointing Bamford "Captain of that Company whereof R. Martin Seymour, Esq. deceased, was late Captain in Our Fortieth Regiment of Foot Commanded by our Trusty & Well loved Colonel Sir Robert Hamilton Bart," signed by the Earl of Rochford, Secretary of State, and countersigned by George III "George R." The commission bears a revenue stamp.

In the diary as printed it has not been found practicable to have the "Memoranda" and the "Remarks" for the same week appear on opposite pages as they occur in the manuscript, but they follow each other in the same sequence as they appear in the original manuscript. The first two pages of the diary are missing, so entries for the first week of the new year are lacking.

January 13<sup>th</sup> 1776

#### Remarks

8. about 150 of the Rebels came over to the out posts of Charles Town set 2 old houses on fire, took a Serg<sup>t</sup> & 4 men & a woman (who contrary to Orders lay in those out houses) prisoners; it was between 8 & 9 o'clock at night & very dark the Fortifications at Charles Town are only temporary, but strong, especially to the neck of Land facing the Country; there it is hardly possible to force them.

13.\* its reported that Falmouth a little town, to the Eastward was this day burn'd down by one of our Men of War—Wants confirmation.

Charles T<sup>n</sup> January 14<sup>th</sup> to 20<sup>th</sup> 1776

3<sup>d</sup> week

Mem<sup>dms</sup>

14 Su. dull cold m<sup>g</sup> R blows exceeding sharp hard frost, w<sup>t</sup> some snow this eve<sup>g</sup>.

15 M. hard frost—some snow dull m<sup>g</sup> cold day p. m. & snow—VII rain

16 Tu. rain'd last n<sup>t</sup> froze towards m<sup>g</sup> mild m<sup>g</sup> calm thaws, dull last n<sup>t</sup> a few of y<sup>e</sup> Enemy remov'd part of the Abbatic before y<sup>e</sup> Lines, this m<sup>g</sup> we repaired it Main G<sup>d</sup> C: T:

17. W. dull moist foggy m<sup>g</sup> p. m. II heavy rain aft<sup>n</sup> snow

18 Th. Severe frost last n<sup>t</sup> clear cold m<sup>g</sup> blows hard & cold w. Eve<sup>g</sup> mild

About 7 this Ev<sup>g</sup> some of the Rebels Barr<sup>ks</sup> were on fire to the W. of our Lines a Little way.

19. F. very hard frost last n<sup>t</sup> clear cold M<sup>g</sup> W. Reinforcem<sup>t</sup> G<sup>d</sup> C. T.

20 Sa. very hard frost last n<sup>t</sup> Bright cold m<sup>g</sup> W much Ice in the River.

Remarks &c<sup>a</sup>

We hear that the Regim<sup>ts</sup> from Gibraltar were spoke with at Sea, on this side y<sup>e</sup> Western Isles—if that is fact they will soon arrive at Virginia.

Charles Town & Boston January 21<sup>st</sup> to February 3<sup>d</sup> 1776

4<sup>th</sup> week.

Mem<sup>dm</sup>

21. Su. Warm bright m<sup>g</sup> very little w<sup>d</sup> N. XII blows fresh & cold—Eve<sup>g</sup> snow

22. M. dull m<sup>g</sup> N gentle Thaw

23 Tu. pleasant cool bright m. S. W. frost last n<sup>t</sup> Main G<sup>d</sup> C: T.

\* the Town of Falmouth was burn'd by Capt Wallace in the Rose—20 Gun Ship.

24 W. very fine warm bright M<sup>s</sup> light w<sup>d</sup> S. W. this aft the Rebels exercis'd about 1000 Men on an Hill opposite Charles Town—out of Shot.

25 Th. dull m<sup>s</sup> pleasant N.—XII, bright warm sun Piquet G<sup>d</sup> The Detachm<sup>t</sup> at Charles Town reliev'd came from thence

26 F. snows very fast, cold M<sup>s</sup> W.

27 Sa. very severe frost last n<sup>t</sup> excessive cold day, freezes hard—N. W. The Ink freezes in the Pen, as I write by the fireside. Piquet. A good deal of snow on y<sup>e</sup> Ground.

#### Remarks &c<sup>a</sup>

We hear that the Army under Lord Dunmore, in Virginia, is repuls'd & routed; with a good many kill'd & several taken prisoners, & Lord Dunmore on board a Ship of War (he began too soon).

Feb. 1. Admiral Graves sail'd for England in the Preston. Admiral Schuldham Commands. Tho' the cold here has sometimes been very severe, yet is it by no means equal to what I have experienced in Canada. An Arm'd Schooner belonging to the Rebels Run ashore & destroy'd by a Frigate.\* two arm'd schooners were decoy'd off Shore by the Nautilus one of y<sup>m</sup> she sunk it self several ships have lately arriv'd with provisions of different kinds, which have supply'd us very well, tho' dear. We have lately had a confirmation of the news of the Defeat of the Rebel Army under Montgomery. Lee, with a body of men went to N. York to endeavour to make the people coin y<sup>e</sup> plate, in order to hold out another year. those well affected to Govern<sup>t</sup> sent theirs on board the Asia Man of War, & those on the contrary side hid theirs they all refused parting w<sup>t</sup> their plate, & their paper money, even amongst themselves seems to be of very little estimation, & was it not for the cloathing of y<sup>e</sup> Reg<sup>ts</sup> & ships coming w<sup>t</sup> necessaries which they took, their army would by this time have been quite naked

\* a mistake they both escaped in a Snow Storm.

Boston February 4<sup>th</sup> to February 10<sup>th</sup> 1776

6<sup>th</sup> week

Memd<sup>ms</sup>

4. Su. clear m<sup>g</sup> a little snow last n<sup>t</sup> not so cold as yesterday W.

Clear'd Barrett to this day £1.. 1.. —

Picquet G<sup>d</sup> chang'd for the Last fortnight

5 M. bright cold m<sup>g</sup> hard frost. W. rivers froze over—some firing from Charles Town last n<sup>t</sup> the Rebels fir'd from Coblers hill—small arms near the mill. XII blows very fresh. Rebels burn'd y<sup>e</sup> old Mill near Charles Town.

6 Tu. high w<sup>d</sup> all last n<sup>t</sup> blows fresh & very cold this m<sup>g</sup> N. W. XII blows very hard. blew very hard & cold all day. hard frost.

Picquet G<sup>d</sup>

7 W. clear, very cold, M<sup>g</sup> blows fresh N. W., hard frost. Eve<sup>g</sup> mild

8 Th. dull mild m<sup>g</sup> little w<sup>d</sup> S. W. XII began to snow p. m. IV ceased to snow—very mild.

9 F. dull m<sup>g</sup> a good deal of snow on y<sup>e</sup> Ground calm & mild. Aft<sup>n</sup> small rain thaws w<sup>d</sup> variable

Piquet G<sup>d</sup>

10 Sa. rain'd heavily last n<sup>t</sup> with squalls. dull m<sup>g</sup> small rain & freezes as it falls w<sup>d</sup> very variable. XII Thaws fast. p. m. II very thick fog. N. W.

#### Remarks &c<sup>a</sup>

5. The Rebels are now at work erecting works at the Orchard opposite C. Town & cutting the Ice round the shore; it is said they are not near so numerous as they were; nothing but great fear, or meer necessity could oblige them, I should think, to endeavour to work at this most rigorous season.

A small Party from Charles Town went out & drove in 4 Bullocks belonging to the Rebels; one of our men was shot in the neck.

7. We have an Acc<sup>t</sup> that Norfolk in Virginia is burn'd.

The Rebels say they have march'd 4000 men more to attack Quebec.

A Small Party of Rebels cross'd on the Ice & burn'd a Mill near Charles Town.

The News papers give an Acct of their defeat at Quebec, w<sup>t</sup> Montgomery and his Aid de camp McPherson being kill'd & several taken Prisoner. they say only 100 kill'd & wounded & 300 prisoners.

Boston

February 11<sup>th</sup> to 17<sup>th</sup> 1776

7<sup>th</sup> week

Mem<sup>dms</sup>

11 Su. very hard frost last n<sup>t</sup> exceeding cold day blows hard N. W. freezes; Rivers shut up with Ice.

Paid Barret to this day, for y<sup>e</sup> last w<sup>k</sup> 10/6, Mess.

12 M. cold Bright m<sup>g</sup> hard frost, blows fresh N. W.

13 Tu. Bright cold m<sup>g</sup> hard frost, little w<sup>d</sup> W.

Line Guard.

14 W. began to snow about 4 oClock this m<sup>g</sup> very thick snow p m III ceas'd to snow E. thaws

Picquet G<sup>d</sup>

15 Th. dull m<sup>g</sup> thaws very little w<sup>d</sup> NW. XII S. W. a good deal of snow on the G<sup>d</sup> warm day. p. m. VI N. W. freezes.

16 F. Bright M<sup>g</sup> warm sun hard frost N. W. The Sun thaws the Ice very fast.

Piquet G<sup>d</sup>

17 Sa. a great deal of snow last n<sup>t</sup> bright warm sun this day. N. two Vessels w<sup>t</sup> provisions to the West Indies taken by the— Capt. Dawson

#### Remarks &c<sup>a</sup>

14. between 4 & 5 oClock this morn<sup>g</sup> Maj<sup>r</sup> Musgraves light Infantry & Wemyss's Grenad<sup>rs</sup> 6 comp<sup>ys</sup> cross'd the Ice to Dorchester & burn'd several about 12 houses there & took some prisoners 6. We did not fire a single shot. a Captains Guard posted there ran away

17. Several Vessels w<sup>t</sup> Coal & provisions for this garrison have lately Arriv'd.



The Soldiers often receive fresh provisions gratis, & are serv'd with good porter 3 times a week. The Corps that went out the 14<sup>th</sup> rec<sup>d</sup> each man a pair of Shoes & Stockings.

Boston February 18<sup>th</sup> to 24<sup>th</sup> 1776

8<sup>th</sup> week

Mem<sup>dms</sup>

18 Su. extream hard frost, very cold, N. W. bright sun.

P<sup>d</sup> Barrett a week's missing 14/

Picquet G<sup>d</sup>

19 M. very hard frost, & very cold, little w<sup>d</sup> bright sun. IX N. W. p. m. V E. freezes hard some of the Pris<sup>rs</sup> which were taken 14<sup>th</sup> from Dorchester were sent back to y<sup>e</sup> Rebels.

20 Tu. clear bright m<sup>g</sup> hard frost, S. W.

21 W. bright m<sup>g</sup> S. W. pleasant XII Hazy. p. m. II dull & cold. thaws fast.

22 Th. very dull m<sup>g</sup> raw, thaws, N. E. some small snow this aft<sup>n</sup> Artillery Red<sup>t</sup> G<sup>d</sup>

23 F. clear m<sup>g</sup>—sun melts the Ice very fast. S W.

Picquet G<sup>d</sup>

24 Sa. clear bright m<sup>g</sup> froze last n<sup>t</sup> N. W.

XII cloudy E.

A great deal of the Ice gone out of the Bays & rivers

24 P<sup>d</sup> M<sup>rs</sup> Vaughan to 21<sup>st</sup> inst for washing £1: 1—

To D<sup>o</sup> Lent 2 & 1/2 Doll<sup>rs</sup> p<sup>d</sup> 11: 3

#### Remarks &c

The Rebels are very busy at Phipp's farm, making some strong works, in appearance; it was on this Ground our light Infantry landed 9<sup>th</sup> Nov<sup>r</sup> last & brought off some Cattle soon after which the Rebels erected a Redoubt, on the highest part—it is reported that a second Action happen'd in Canada near Quebec in which the Rebels were tottally routed. (False)

Boston February 25<sup>th</sup> to March 2<sup>d</sup> 1776

9<sup>th</sup> week

Mem<sup>dms</sup>

25 Su. dull, raw cold m<sup>g</sup> E. blows fresh.

p. m. IX sleet, froze as fast as it fell, very slippery.

Picquet G<sup>d</sup>

26 M. dull raw m<sup>g</sup> blows fresh N.—X some rain thaws fast.

27 Tu. Froze last n<sup>t</sup> dull m<sup>g</sup> XI began to rain rain'd all day E.

28 W. bright m<sup>g</sup> blows fresh S. W. p. m. I rain several Showers of hail & rain this aft<sup>n</sup> Eve very cold. Snow. The Rebels seem to have finished their work at Phip's Farm

#### Work<sup>g</sup> party

29 Th. froze hard last n<sup>t</sup> blows fresh this m<sup>g</sup> N. W. very cold & bright.

#### March

1 F. Blew Violently & froze excessive hard last n<sup>t</sup> exceeding cold m<sup>g</sup> high w<sup>d</sup> N. W. bright m<sup>g</sup> very cold all day.

2 Sa. hard frost very cold m<sup>g</sup> N. was bright Eve<sup>s</sup> very mild & fine no frost this night about ½ past XI, the Rebels began to cannonade & bombardth the Town from Phipps farm.

#### Remarks &c<sup>a</sup>

25 the Rebels are still hard at Work at Phipp's farm. We are Erecting a battery for three 32 pounders, on Mount Whorod, to play on the Works at Phipp's Farm.

2 March, about ½ past XI this night the Rebels open'd a Mortar Battery at Phipps' farm; threw several shells into the Town, chiefly near Bacon hill. We return'd a number into their Works; threw some to Mount Pisgah

Boston

March 3<sup>d</sup> to March 9<sup>th</sup> 1776

10<sup>th</sup> week

Mem<sup>dms</sup>

3 Su. cold, cloudy M<sup>g</sup> N. X bright

D<sup>d</sup> w<sup>t</sup> M<sup>r</sup> Roberts 49.

Picquet G<sup>d</sup>

4. M. dull soft M<sup>g</sup> S. E. the Enemy fir'd many shot & sheles last n<sup>t</sup> we return'd the Comp<sup>ts</sup> dull day thaws fast.

The Rebels threw up a Work on Dorchester hill.

5. Tu. Warm pleasant bright M<sup>g</sup>. Aft<sup>n</sup> cloudy very high w<sup>d</sup>

this Ev<sup>g</sup> with rain storm continues all night S. W. This m<sup>g</sup> Embark'd on board the Good intent to attack y<sup>e</sup> Enemy at Dorchester

6. W. blows fresh S. W. p. m. VIII very high w<sup>d</sup> this m<sup>g</sup> disembark'd, bad weather prevented the affair from going on last n<sup>t</sup>—p. m. X blew violently I believe the prevention was very lucky.

Picquet G<sup>d</sup>

7 Th. blows hard S. W. P. M. I pleasant & mild

Working Party at C. T. all this n<sup>t</sup>

{ heavy Guns  
mortars &  
shot & shells

8 F. hazy m<sup>g</sup> E. little w<sup>d</sup> p. m. II a shower of Snow hail & sleet.

Very busy in getting our Baggage on board ship

9 Sa. some rain this m<sup>g</sup> mild W. p. m. II a little rain N. W.

7 L <sup>t</sup> Carter lent	8 Doll <sup>rs</sup>	£1: 16 —
To M <sup>r</sup> Ven <sup>r</sup> lent	16 Doll <sup>rs</sup>	£3: 12 —
To M <sup>c</sup> Lean lent	a Doll <sup>r</sup>	4: 8

#### Remarks &c.

3. last night at ½ past XI, the Rebels began to fire shot & shells from Phipps farm on the Town; & threw some shot & shells from Roxbury, at the Lines, there was not the least mischief done. We fir'd many shot & shells at them from Barton's point. the Rebels shells were 13 & 10 inches.

4 A Great deal of firing on both sides shot & shells.

5. last night the Rebels threw up Redoubts on 2 of the Highest hills at Dorchester. Some Reg<sup>ts</sup> embark'd & fell down to the Castle in order to Attack these new works but a very high w<sup>d</sup> with rain prevented the action. No firing this night

6. This m<sup>g</sup> the Reg<sup>ts</sup> who had embark'd yesterday were disembark'd this day & orders were given for the Army to hold themselves in readiness to embark at the shortest notice. busily employ'd in getting the Baggage on board.

The Rebels fire only in the night.

It was a Lucky circumstance that the Troops sent Down the River the 5<sup>th</sup> did not debark, as in all probability few would have come back, as the Rebel works were guarded by 12000 Men & had every thing in readiness to oppose us.

Boston

March 10<sup>th</sup> to 16<sup>th</sup> 1776

11 Week

Mem<sup>dms</sup>

10. Su. clear cold m<sup>g</sup> N. W. blows fresh

A great deal of cannonad<sup>g</sup> last n<sup>t</sup>

11 M. pleasant day little w<sup>d</sup> S.

12. Tu. dull m<sup>g</sup> very hazy blows fresh S. E. the Rebels very busy at Dorchester hills a good deal of cannonading last n<sup>t</sup>.

13. W. froze hard last n<sup>t</sup> clear cold m<sup>g</sup> N. W.

14 Th. snow sleet & high w<sup>d</sup> S. E.

15 F. fine m<sup>g</sup> N. W. p. m. II E.—XII. Under Arms to Embark, w<sup>d</sup> came foul. E.

16 Sa. much rain last n<sup>t</sup> rains this m<sup>g</sup>.

E. hazy moist day.

#### Remarks &c<sup>a</sup>

The Rebels had large Hogsheads fill'd with stones & several Barrels also, to roll down the hill on our Troops as they advanc'd; & the hill being very steep, they must have come with great Velocity, which would have broke our Ranks & put us into disorder, & the consequence might have been Fatal.

They had many Cannon in their Works on Dorchester hill.

On board y<sup>e</sup> Spy

Nantasket road

March 17<sup>th</sup> to March 23<sup>d</sup> 1776

12<sup>th</sup> week

Mem<sup>dms</sup>

17. Su. this m<sup>g</sup> about VI, we embark'd & retreated from Boston, the Rebels did not molest us. W. sailed down to King's Road did not leave a man behind

18. M. pleasant day, E. blew hard last n<sup>t</sup>.

19 Tu. pleasant m<sup>g</sup> E. blew hard last n<sup>t</sup> this Day a good deal of Castle W<sup>m</sup> was blown up.

20. W. pleasant m<sup>s</sup> S. W. sail'd down to Nantasket this Ev<sup>g</sup> Castle W<sup>m</sup> was destroyed & y<sup>e</sup> 64<sup>th</sup> Reg<sup>t</sup> Embark'd

21 Th. blew very hard last n<sup>t</sup> w<sup>t</sup> much snow & sleet N. W. the Admiral w<sup>t</sup> what Transports had not come down before, came this day down to Nantasket.

22 F. pleasant cool m<sup>s</sup> blew hard last n<sup>t</sup> XII cold.

23 Sa. blew very hard last n<sup>t</sup> w<sup>t</sup> much rain & snow N. W. blows hard this m<sup>s</sup> X sun. p. m. XI. this n<sup>t</sup> got foul w<sup>t</sup> the America Transport Ship, blows hard, soon got clear.

#### Remarks &c<sup>a</sup>

17. This m<sup>s</sup> about 5 o'clock the Garrison Got under Arms & Embark'd on board the Transports appointed to receive them, the Retreat was perform'd in 2 Divisions; & tho' the last division which remain'd on shore, after y<sup>e</sup> first was Embarked, consisted of but a few men, yet the Disposition was so good that the Rebels dare not give us the least disturbance notwithstanding their great superiority of numbers. A great many of the People of the Town, had embark'd w<sup>t</sup> their families & goods, & vessels were assign'd to carry them. The Rebels were told that if they gave us any Annoyance in our Embarkation, the Town of Boston should be set on fire; & everything was ready for that purpose

On board the Spy      Nantasket road

March 24<sup>th</sup> to March 30<sup>th</sup> 1776

13<sup>th</sup> week

Mem<sup>dms</sup>

24. Su. blew very hard all last n<sup>t</sup> & blows extreemly hard this m<sup>s</sup> hard Gale all day N. W. a Transport a shore on the Point of Georges Island

25. M. blew most Violently all last n<sup>t</sup> more moderate & clear this m<sup>s</sup> N. E. several of y<sup>e</sup> small vessells sail'd out this m<sup>s</sup> the Milford man of War arriv'd from Eng<sup>d</sup>

26 Tu. exceeding hard frost last n<sup>t</sup> very cold m<sup>s</sup> blows fresh N. W.

27. W. clear cold m<sup>s</sup> frost last n<sup>t</sup> p. m. about III, this day the Fleet sail'd from Nantasket road about 90 sail for Hallifax in Nova Scotia. The Adm<sup>l</sup> sail'd w<sup>t</sup> us. Lat. 42°, 8'.



28 Th. clear m<sup>g</sup> moderate N. W. frost.

29 F. high w<sup>d</sup> w<sup>t</sup> a great swell N. W. Frost very cold roll'd very much saw several Grampuses

30 Sa. moderate m<sup>g</sup> hard frost N. E. a small sloop made Signals of Distress Lat. 42°, 34'.

#### Remarks &c<sup>a</sup>

25. Several Small Vessels, on board which most of the Inhabitants w<sup>t</sup> their Families & goods were Embark'd sail'd from Nantasket under convoy of 2 Men of War. This ev<sup>g</sup> the Milford Man of War came in from England

27. About 2 oClock this aft<sup>n</sup> the Fleet about 90 sail & sail'd from Nantasket road, Admiral Schuldam in the Chatham, & the Centurion, & several Arm'd vessels sail'd w<sup>t</sup> us, we steer'd for Hallifax

On board The Spy

At Sea

March 31<sup>st</sup> to April 6<sup>th</sup> 1776

14<sup>th</sup> week

Mem<sup>dms</sup>

31 Su. dull m<sup>g</sup> blows fresh S. E. X Sun. p. m. IV small rain, rain'd all y<sup>e</sup> aft<sup>n</sup> S. E. Lat. 43°

1 M.

April

rain & sleet, last n<sup>t</sup> cold m<sup>g</sup> sea runs high N. E.

2. Tu. pleasant calm m<sup>g</sup> XII pleasant Breeze. S. E. p. m. II made the land of Nova Scotia.

Saw the Light House op. Cape Sambre. anchor'd about VIII in Hallifax Harbour

3. W. dull raw m<sup>g</sup> some rain S. E. aft<sup>n</sup> rain

4. Th. rain'd all last n<sup>t</sup> & blew a storm S. S. E. X ceas'd to rain blows fresh S. S. E. Several boats blown away from the Ships last n<sup>t</sup>

5 F. pleasant clear m<sup>g</sup> light w<sup>d</sup>.

6. Sa. very pleasant day little w<sup>d</sup> N.

#### Remarks &c<sup>a</sup>

2. The Men of War & most of the Transports anchor'd this Ev<sup>g</sup> in Hallifax harbour.

4. Last night it blew a storm & rain'd most Violently. The Light Horse were landed horses to be sent to Grass to Windsor (Pijaguid) about 38 miles off & the men to be quarter'd there.

The Town of Hallifax does not seem to be much improv'd since I was here in 1759. The dock Yard is made very compleat. As the Town is not capable of containing all the Troops; it being mostly taken up w<sup>t</sup> the Inhabitants that came from Boston, the greatest part of y<sup>e</sup> Sol<sup>rs</sup> remain on board ship but are landed & excersized on the Hill above Hallifax in turn.

When we arriv'd at Hallifax all the fresh Lakes about the Country were froze over & much Ice in the streets of the Town. The Hills almost cover'd w<sup>t</sup> snow.

On board The Spy      Hallifax harbour  
April 7<sup>th</sup> to 13<sup>th</sup> 1776

13 week

Mem<sup>dms</sup>

7 Su pleasant calm m<sup>g</sup> warm XII S. E. cool

8. M. very fine bright m<sup>g</sup> little w<sup>d</sup> N.

9 Tu. very pleasant day light w<sup>d</sup> S. E.

10 W. dull m<sup>g</sup> very foggy moist day.

part of the L<sup>t</sup> Drag<sup>s</sup> marched to Pijaguid or Windsor  
aft<sup>n</sup> wet. S. E.

11. Th. wet all last night heavy mist dull misty m<sup>g</sup> S. E.

12 F. very wet fog all day S. E.

13. Sa. clear m<sup>g</sup> blows fresh.

8. To McLean lent a Doll<sup>r</sup>

£4: 8.. —

#### Remarks &c<sup>a</sup>

About Hallifax are many small Lakes at a few miles distance; all full of very fine Trout; in some of the small rivers you get Salmon, & at this Season innumerable quantities of Smelts, that run into the mouths of the rivers to spawn. These lakes are entirely froze over in Winter, & on the Ice clearing away they are full of Trouts, in the the summer & fall, many of them are quite dry, yet on the rain water filling them, they have abundance of Trouts, tho' no communication with any other

Water either lake or River, & 'tis wonderful where the fish comes from.

On board the Spy      Hallifax Harbour  
April 14<sup>th</sup> to April 20<sup>th</sup> 1776

16<sup>th</sup> week

Mem<sup>dms</sup>

14 Su. pleasant warm day S.

15 M. Snow this m<sup>g</sup> XII ceas'd, dull. N.

16 Tu. clear m<sup>g</sup> cold N. very pleasant day

17 W. dull day cold. W.

18 Th. dull wet m<sup>g</sup> W. N. W. 47<sup>th</sup> Reg<sup>t</sup> order'd to embark several ships from y<sup>e</sup> W. India Islands came in y<sup>e</sup> day w<sup>t</sup> some Ships of War.

19 F. cold m<sup>g</sup> clear blows fresh.

20 Sa. clear cold m<sup>g</sup> N. W.

this m<sup>g</sup> the 47<sup>th</sup> Reg<sup>t</sup> sail'd for Quebec at Exercise on Citadel Hill

#### Remarks &c<sup>a</sup>

19. Several Ships from y<sup>e</sup> W. India Islands came in. Cap<sup>t</sup> Wallace in y<sup>e</sup> Rose, 20 Guns, came in being drove away from her Station at Rhode Island by the Rebels & we hear the Glasgow 20 Guns was attack'd by some Rebel Vessels two carrying 30 Guns each & was much damag'd, 5 ships attack'd y<sup>e</sup> Glasco the smallest carry'd 16 Guns

21. Maj<sup>r</sup> Grant now L<sup>t</sup> Col<sup>o</sup> came in from his Expedition which was to Georgia where they retook some Vessels which had been detain'd by the Rebels & took four prizes Laden w<sup>t</sup> rice: A Disagreement between him & y<sup>e</sup> Cap<sup>t</sup> of y<sup>e</sup> Scarborough, who would not assist him lost two of y<sup>e</sup> prizes. The Hallifax Pacquet arriv'd Gov<sup>r</sup> Legge to go to England. Com<sup>dre</sup> Arbuthnot appointed L<sup>t</sup> Governour.

On board the Spy      Halifax Harbour  
April 21<sup>st</sup> to April 27<sup>th</sup> 1776

17<sup>th</sup> week

Mem<sup>dms</sup>

21 Su. bright mild m<sup>g</sup>.

22 M. dull m<sup>g</sup> X Snow. Much snow this day blows hard.

23 Tu. blows fresh N. W. cold cloudy

24 W. blows hard & cold N. W.

To M<sup>r</sup> Bullard this date

25 Th. very pleasant & calm m<sup>g</sup> XI cloudy, cool blows fresh N. W.

26 F. Wet, blowing, cold m<sup>g</sup> E. rain'd all day & a great part of this n<sup>t</sup>

27 Sa. dull m<sup>g</sup> N. blows fresh

This aft<sup>n</sup> the Spy Transport fell down to y<sup>e</sup> Eastern Battery w<sup>t</sup> 5 comp<sup>ns</sup> 40<sup>th</sup> on board

25. To M<sup>r</sup> Vaun lent a Doll<sup>r</sup> £1.. 16.. —

#### Remarks &c<sup>a</sup>

A Report was current that the Rebels had taken Quebec, not confirm'd, & unlikely.

List of the Ships that attack'd y<sup>e</sup> Glasco

Ships	Commanders	Guns		Men
		3 lbs	6 lbs	
Alfred	Ad. Hopkins	20	10	280
Columbus	C. Whipple	18	10	280
Andrew Doria	C. Dunn	20	8	160
Cabbot	C. Hopkins Jr	18	8	150
Providence	C. Hazard	16	6	118
		—	—	—
		92	42	988
The Glasco rec <sup>d</sup> but little damage				—
				92
13 Row Gallies, 50 Men Each		650 Men		
those Gallies were not at the Attack				
				42
				—
				134 Guns

## Eastern Battery Near Hallifax

April 28<sup>th</sup> to May 4<sup>th</sup> 177628<sup>th</sup> weekMem<sup>dms</sup>

28 Su. pleasant day. N. W. light w<sup>d</sup> part of the 40<sup>th</sup> Reg<sup>t</sup> landed this day at the Eastern Batt<sup>ry</sup> to remain until further orders. it lies opposite Hallifax. very pleasant.

29 M. very pleasant day. S.

the Rest of y<sup>e</sup> 40<sup>th</sup> Reg<sup>t</sup> landed at y<sup>e</sup> Eastern Batt<sup>ry</sup> The Gren<sup>d</sup><sup>rs</sup> & Lt Infantry Comp<sup>ys</sup> did not land.

30 Tu. fine clear warm m<sup>s</sup>

20 Trouts small in a little river about 1/2 mile E. of y<sup>e</sup> Battery. p. m. I began to rain. continued all day

1 W.

May

rain'd all last n<sup>t</sup> rains heavily this m<sup>s</sup> S. Rain'd all day, sometimes thick fog.

2 doz 9 trouts. y<sup>e</sup> Same river

2 doz<sup>n</sup> Trouts in the above mention'd River

3 F. dull m<sup>s</sup> N. E. Much Snow this Aft<sup>n</sup>

4 Sa. clear cold m<sup>s</sup> N. W. p. m. II began to rain

2 doz 9 trouts. y<sup>e</sup> Same river

28) Remarks &c<sup>a</sup>

29) Eight Comp<sup>ys</sup> of 40<sup>th</sup> Reg<sup>t</sup> were landed at the Eastern Battery—it lies on the East side of the Harbour of Hallifax opposite George's Island. The Battery has been a long time demolish'd & the house almost in ruins, but was fitted up in some manner for our reception.

A report, that Quebec was taken by the Rebels—'tis not probable. This was in the Philadelphia Newspapers with many particulars of the Affair some people seem to Credit it. I do not.

Eastern) May 5<sup>th</sup> to May 11<sup>th</sup> 1776

Battery)

19 week

Mem<sup>dms</sup>

5 Su. very pleasant day. S. W.

6 M. dull day. N. W. aft<sup>n</sup> a little snow.

7 Su. bright cold m<sup>s</sup> N. W. little w<sup>d</sup>.



- 8 W. clear, bright m<sup>g</sup> S. W. little w<sup>d</sup>.  
 20 Trouts as before.  
 9 Th. rain this m<sup>g</sup> S. moist foggy day.  
 10 F. Foggy m<sup>g</sup>—calm—XII clear Sun S. W.  
 11 Sa. bright m<sup>g</sup> blows fresh N. W.  
 Doz & 1/2 Trouts herring size in a lake about 3 miles from  
 Eastern Battery. N. E.

Remarks &c<sup>a</sup>

Some Strong Redoubts are on the Hills above Hallifax.

Eastern { May 12<sup>th</sup> to May 18<sup>th</sup> 1776

Battery {

20<sup>th</sup> week

Mem<sup>dms</sup>

- 12 Su. blows fresh—flying clouds. W.  
 13 M. calm m<sup>g</sup> X S. W. fresh w<sup>d</sup> clear Sun.  
 The Greyhound Brought the Pacquet. A Transport w<sup>t</sup> part  
 of 46<sup>th</sup> Reg<sup>t</sup> arriv'd.  
 2 doz<sup>n</sup>, 10 Trouts, large herring size mostly y<sup>e</sup> Last lake  
 14 Tu. clear, bright m<sup>g</sup> blows fresh S. W.  
 12 Trouts in y<sup>e</sup> Last ment<sup>d</sup> lake.

From Capt. Green.

- 15 W. Some rain last n<sup>t</sup> foggy m<sup>g</sup> IX clear'd hot sun  
 2 doz<sup>n</sup> Trouts in y<sup>e</sup> same lake  
 16 Th. pleasant m<sup>g</sup> dull, XII cloudy, cold & windy N. W.—  
 with some rain. Af<sup>n</sup> pleasant  
 1 doz<sup>n</sup> & 1/2 Trouts as above  
 17 F. pleasant m<sup>g</sup> calm IX light w<sup>d</sup> S. W. XII very cold  
 10 Trouts as before  
 From Mr Bullard by Mr Fitzgerald dated Febr<sup>y</sup> 26<sup>th</sup>  
 18 Sa. pleasant m<sup>g</sup> rather cold—blows fresh S. W.  
 From Mr Bullard by Pacquet. Dl<sup>d</sup> Dec<sup>r</sup> 12<sup>th</sup> 1775  
 To Mr V———n lent 8 Doll<sup>rs</sup> £1: 16.. —

Remarks &c<sup>a</sup>

13. A Great promotion of Gen<sup>l</sup> Officers.  
 17 A Report prevail'd that the Rebels had got a second  
 drubbing at Quebec, wherein about 800 were kill'd & 500 taken

prisoners—wants confirmation. We hear that Gen<sup>l</sup> Clinton's Army from the South has orders to joyn us at N. York

A Letter from Capt. Green says, some of y<sup>e</sup> 33<sup>d</sup> & have Joyn'd Gen. Clinton.

Eastern } May 19<sup>th</sup> to May 25<sup>th</sup> 1776  
Battery }  
21<sup>st</sup> week Mem<sup>dms</sup>

19 Su. pleasant day.

20 M.

21. Tu. pleasant day S. W.

10 Trouts—as above

22 W. very wet m<sup>g</sup> XI clear'd fine day.

23 Th. pleasant day, W. S. W.

24 F. pleasant day N. W.

Bit very much with black flies, face in lumps

6 doz. 8 Trouts in a River near Laurence Town an innumerable Quantity of smelts.

25 Sa. calm warm m<sup>g</sup> X S. W. cool

#### Remarks &c<sup>a</sup>

The Soldiers who serv'd last campaign at Boston have each rec<sup>d</sup> a pair of Shoes & Stockings a woollen cap & a quantity of Tobacco, a donation from the People of England; & the Women who lost their Husbands, or were otherwise objects of Charity, rec'd for themselves & Children each a pair of shoes & stockings a Charity Rais'd by the English as some recompense for their sufferings. The officers had 1 p<sup>d</sup> superfine Tobacco given them; & the Sold<sup>rs</sup> got a quantity of cheese—besides the above. The officers had a present of 10 Gall<sup>ns</sup> of Rum each. The Merchants sent 100 pipes of Madeira to be dispos'd of amongst the officers, at prime cost, about 29£ a pipe.

Tis s<sup>d</sup> the Army under Gen. Clinton are sent for to joyn Gen. Howe.

Eastern } May 26<sup>th</sup> to June 1<sup>st</sup> 1776  
Battery }  
22<sup>d</sup> week Mem<sup>dms</sup>

26 Su. rain'd all day

27. M. pleasant day, little w<sup>d</sup>

28. Tu. foggy moist day.

L<sup>t</sup> Carter drew provisions to y<sup>e</sup> day inclu<sup>d</sup>

29 W. foggy m<sup>g</sup> Aft<sup>n</sup> Pleasant

30 Th. bright warm m<sup>g</sup> calm. XII brisk w<sup>d</sup> S. W. pleasant day.

31 F. bright warm m<sup>g</sup> calm X light w<sup>d</sup> N. W. at exercise on the Cittadel hill

The Niger from Quebec Arriv'd.

1 Sa. dull m<sup>g</sup> June. brisk w<sup>d</sup> S. some rain this Aft<sup>n</sup>

3 Sallmon & 50 Trouts, some large as last

30 To L<sup>t</sup> Carter           lent 8 Doll<sup>rs</sup>                   £1.. 16.. —

Lt. Gason Gave me a Bill on his mother for what he was in Debt to me.

#### Remarks &c<sup>a</sup>

30 The Niger from Quebec Arriv'd, brought word, that Gen<sup>l</sup> Burgoine w<sup>t</sup> the Forces had got to Quebec & that the Rebel Army on their Arrival had broke up in the greatest precipitation, on the arrival of most of the 29<sup>th</sup> Reg<sup>t</sup> at Quebec they were immediately landed with these & what Gen<sup>l</sup> Carlton could muster up in the Garrison, making in all about 1000 men he sallied out, to attack the Rebels, who had 4000 men, besieging the Town on which the Rebels fled in the greatest confusion, leaving their tents canon mortars Ammunition & stores behind them; nor did they stay to eat their dinners, which were just dress'd, a Subaltern's party got Gen<sup>l</sup> Thomas's dinner, a welcome repast. The Rebels had lain before Quebec 5 months. This is a severe check to the Rebels, as all their hopes of succeeding, or prolonging the war, depended on their taking Quebec, whereby they became masters of all America.

L<sup>t</sup> Gason Gave me a bill on his mother in Dublin for 20£ Irish. I having given him the amount of that sum in Cash June 1<sup>st</sup> 1776, which settles accounts. Sent y<sup>e</sup> Bill to M<sup>r</sup> Bullard, by C<sup>t</sup> McLean 8<sup>th</sup> inst.

*(To be Continued.)*

PROCEEDINGS OF THE SOCIETY.

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*April 11th, 1932.*—The regular meeting of the Society was held tonight with the President in the chair.

A list of the donations made to the Library and Gallery was read.

The following named persons were elected to Membership:

Mrs. William P. Cole	Samuel J. Fisher, Esquire
Mrs. John Talbot Todd	Rev. Armand DeRosset Meares

Mr. Robert S. Hart was recognized by the Chair. He presented to the Society a large mahogany arm chair used by the Governor of Maryland up to about 1845, when at a sale of the furnishings of the Governor's Office at Annapolis this chair (which then stood on a small platform) together with the six chairs of the Governor's Council, was purchased by one of the donor's ancestors, through whom it had come down to him. He said he had hoped, and believed, that the chair might have been continuously in use by the Governor of Maryland from the beginning of the Revolutionary War, because the gift of the chair from himself and his wife would then be doubly appropriate in that Mrs. Hart was a collateral descendant of Thomas Johnson, the first Governor of the State of Maryland, but that Dr. Berkley's researches had established that the chair was made for the Governor of Maryland in 1810 by one Needles, and used continuously by the Governors up to the refurnishing of the Executive Offices about 1845.

Dr. Henry J. Berkley was recognized by the Chair and said that he thought it would be interesting to know that the Society possesses one of the original pieces of furnishings of the Senate Chamber, one of the pieces of the second furnishings, and that the gift of this chair added considerably to the collection as it was one of the pieces of the third furnishings of the Senate Chamber. It was moved, seconded and unanimously carried that the thanks of the Society be extended to Mr. and Mrs. Robert S. Hart for their gift.

The following deaths were reported from among our members:

Mr. G. Clem Goodrich, March 14th, 1932.

Dr. Clapham Pennington, March 30th, 1932.

Dr. Julius Friedenwald was recognized by the Chair. He read a paper entitled "Lafayette's Imprisonment in Austria, and his Visit to America in 1824," as illustrated by lantern slides.

A vote of thanks of the Society was extended to Dr. Friedenwald for his unusually interesting and instructive paper.

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### NOTES AND QUERIES.

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Kimble, Wanted; date of marriage and name of second wife of Samuel Kimble of Harford County, Maryland born, who married first Jemima Barnes in —.

Stephenson (Stevenson), Wanted ancestry and name of first wife of Jonas Stephenson who died in Harford County, Maryland, in 1801, St. George's Parish records. No record of him there prior to 1795.

Miss Pearl B. Kimble,  
P. O. Box 36, Tulsa, Okla.

---

The Genealogy of the Descendants of Christian Remick of Kittery, Maine, born about 1631, died about 1715, based on a Manuscript left by the late Lt. Oliver Philbrick Remick, is now being compiled by Winifred Lovering Holman S. B., of Watertown, Mass., for the *Maine Historical Society*. It is to be hoped that at least five or six generations will be published.

Information is desired about his son, Isaac<sup>2</sup> Remick, born 20 July 1665, Kittery, who has been proved to have removed to Charlestown, S. C., by 1698. He died probably at sea, or at Charlestown, about 1700, leaving widow Elizabeth. The names of his children are unknown, but it seems probable that he had

a son Isaac among others. Unfortunately the page in the Kittery Town Records on which his children's names were recorded has been torn out.

An Isaac Remick, planter, and wife Mary were living in or near Charleston, S. C., in 1719, where they sold a slave. In 1721, an Isaac Remick was living in Berkeley County, S. C. In 1760, a Jacob Remick, farmer, and wife Margaret were living in New Hanover County, N. C.

---

Information is desired concerning Thomas Collins, a Revolutionary soldier from Romney, Hampshire County, especially date and place of his marriage to Elizabeth Sprigge Cresap, daughter of Colonel Daniel Cresap, Sr. Also date and place of the marriage of their daughter, Charity Collins, to (George Upshur?) Johnson or Johnston, who was connected with the Upshur, Jackson, Sewell and Sangston families, all living in Baltimore prior to Civil War.

C. L. Scott,  
129 East 10th St., New York.

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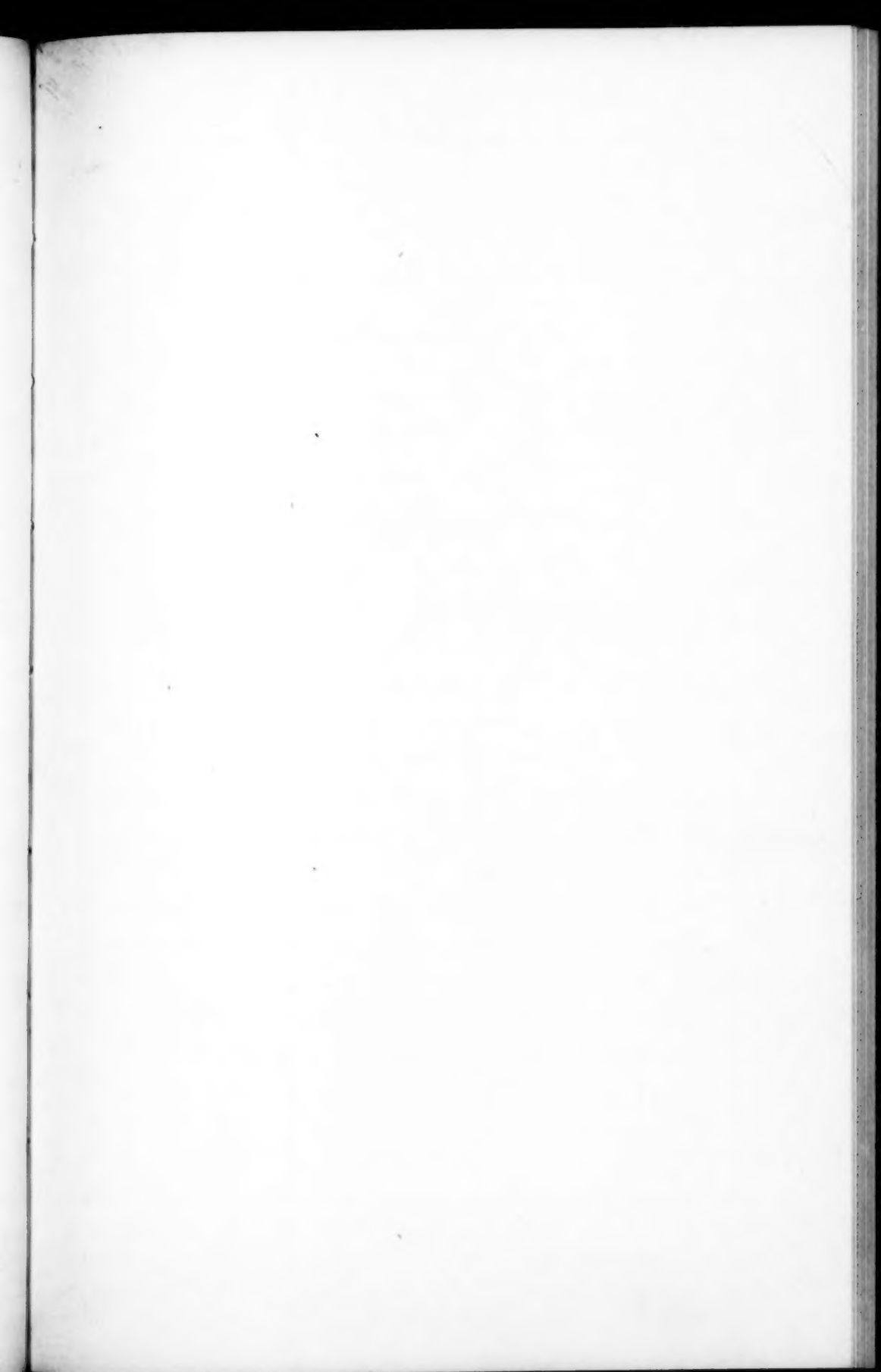
*Edmund Ruffin, Southerner: a Study in Secession.* By AVERY CRAVEN. New York: D. Appleton & Co., 1932. Pp. 283. \$3.00.

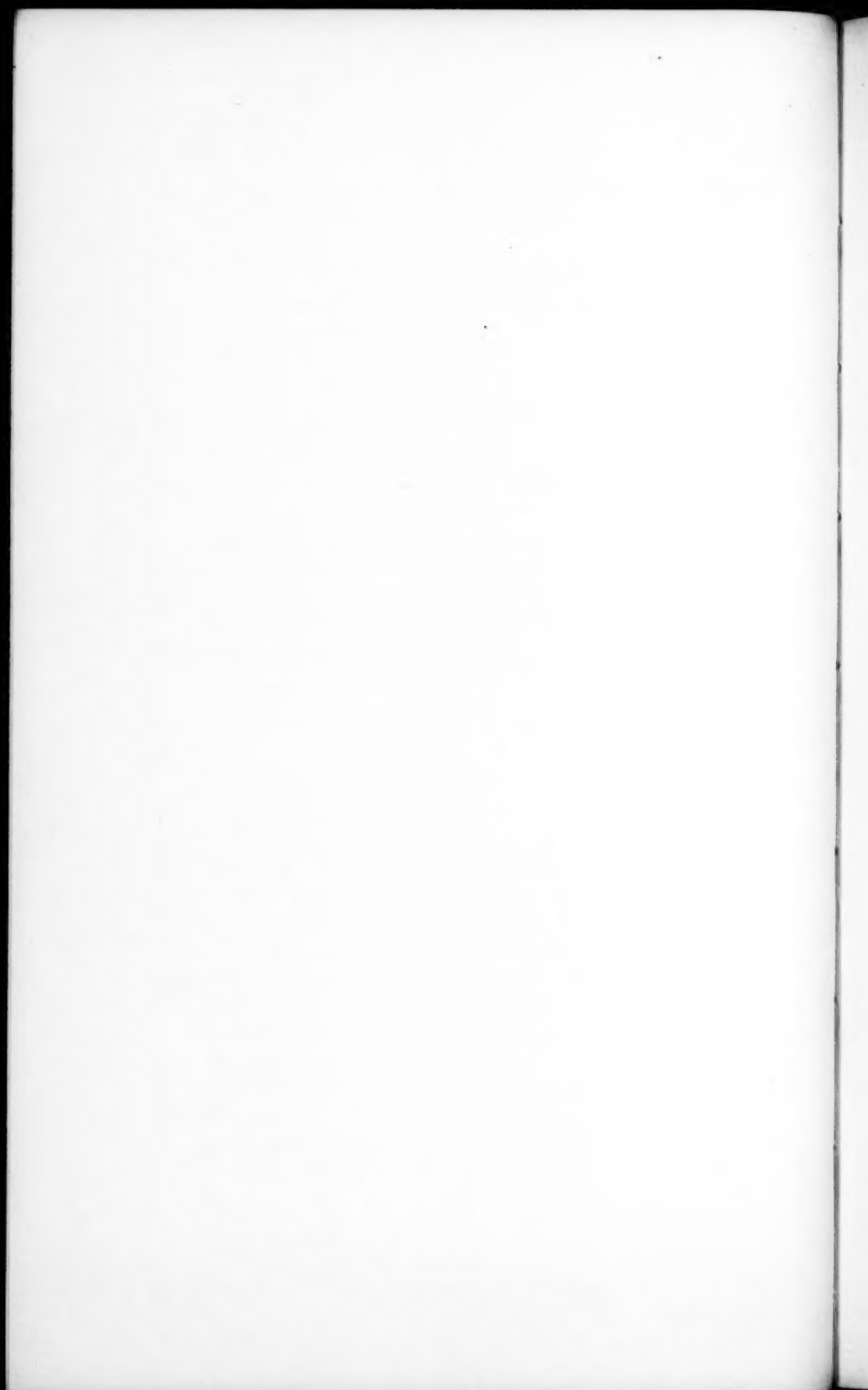
This story of one of the most memorable figures of the Civil War period combines personal biography with a critical study of the secession movement. "As the greatest agriculturalist of the Southern rural civilization; one of the first and most intense of the Southern nationalists; the man who fired the first gun at Sumter and ended his own life in grief after Lee's defeat, his story becomes to a striking degree that of the rise and fall of the Old South."

The story is well and interestingly told and is well documented and indexed.

Dr. Craven is Professor of American History in the University of Chicago.







# ARCHIVES OF MARYLAND

Edited by J. HALL PLEASANTS, M. D.

Published by authority of the State

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## VOLUME XLIX

(Provincial Court of Maryland, 1663-1666)

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This, the 49th volume of the series and the 4th of the Provincial Court Records, covering the period 1663-1666 forms a valuable addition to our legal and historical material of the seventeenth century. The Editor's letter of transmittal is in reality a very enlightening résumé of the genesis of Maryland's legal development, and the administration of justice in her borders.

The matters brought before the Provincial Court during the four years included in this volume are very numerous and cover a great variety of subjects. Perhaps the majority of the cases are suits for debt brought before the court in order to secure a judgment against the debtor, and execution against his property and person, the latter resulting in imprisonment, if the debt were not paid. Many of the entries have sufficient historical, personal, or human interest to render them deserving of the reader's attention.

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\* Died, August 6, 1932.



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